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CALENDAR

OF

STATE PAPERS,

COLONIAL SERIES.

AMERICA AND WEST INDIES.

1700.

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EDITED BY

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CORRIGENDA.

Page 1, *No. 1. Margin, for* Middelburgh *read* Rio Essequibo, Fort Kijkoveral.
„ 49, *line* 8, *for* 71 *read* 71A.
„ 140, *line* 26, *for* Journal *read* Journal, 14.
„ 177, *line* 12, *for* knew *read* know.
„ 189, 2 *lines* from bottom, *for* 349.i. *read* 348.i.
„ 325, *line* 39, *for* communictaing *read* communicating.
„ 341, *line* 4, *for* propoals *read* proposals.
„ 375, 11 *lines from bottom, for* you *read* ym.
„ 412, *line* 23, *for* 447 *read* 477.
„ 519, 10 *lines from bottom, for* yo cuan *read* you can.
„ 530, *line* 24, *for* oppointing *read* appointing.
„ 531, *last line but one from bottom, for* conform *read* confirm.
„ 627, *line* 11, *after* rough draft, *add* New York.
„ 713, 17 *lines from bottom*, for repeating *read* repealing.
„ 717, *line* 19, *for* Kendall *read* J. Kendall.
„ 749, 9 *lines from bottom, for* Brooks *read* Brook[*e*].

PREFACE.

The documents for the year 1700 are both varied and voluminous. The story which they tell is, for the most part, the sequel or corollary of the events recorded in the preceding volume of this Calendar. But in one instance, at least, an entirely fresh subject is opened. For in this year, so far as this Calendar is concerned, a new Colony swims into our ken. From the reports of the Representative of the Dutch West India Company, Samuel Beeckman, busily engaged in Essequibo, clearing and planting about that Fort Look-over-all (*Kijkoveral*), of which only a picturesque fragment, a ruined gateway half hidden by tropical vegetation, now survives, we gain a glimpse of the workings of a young Colonial settlement under the government of "Dutch" William's countrymen. From the point of view of the history of colonization, it is interesting to observe how completely the commercial side of this trading-station, the getting of crops and cargoes for the Netherland markets, absorbs the energies of the Dutch planters. The documents, of which these form a part, have not been without some practical importance in furnishing evidence as to the boundaries of British Guiana in the cases of the disputed Venezuelan Boundary (1898), and Brazilian Boundary (1904)[1]. A letter prefixed to the Index Volume of this section of documents [*C.O.* 116, 67] indicates the way in which these reports from Essequibo, dispatched more than a hundred years before Demerara and Essequibo passed into the possession of

The Dutch in Essequibo.

[1] See *Venezuela: Appendix to the British Case*, 1898, Vol. I., published by the Colonial Office.

the British, ultimately to be merged with Berbice into British Guiana, were transferred to our National Archives. It is written by Robert Melvile, the British Consul at Amsterdam, March 16, 1819, to Lord Bathurst, then Secretary of State for the Colonies. He describes the books and papers he transmits as "regarding the Colony Berbice, delivered to me by the Dutch Government." And under "Berbice" in the Record Office they remained buried for some 75 years, though they refer entirely to Essequibo and Demerara. The seizure of the Dutch Colonies by the English in 1803 appears to have been in part the result of a friendly understanding by which they undertook to administer and finance those Colonies. In 1814 they took over the Dutch Colonies altogether. It would seem that, partly for safety, partly out of compliment, partly for purposes of administration, the Dutch transmitted to this country from the Hague the most valuable set of their Essequibo records.[1] The transmission of 1819 would appear to be the final step in the career of these documents.

Decline of Piracy in 1700.

On *p.* 211 William Penn gives a pedigree of piracy very much in accordance with that suggested in my Preface to the previous volume of this Calendar (*p.* xii.). Numerous documents show how the coasts of New York and Pennsylvania were dotted with "receptacles," nests of old pirates who were ready to receive piratical goods brought off to them in sloops. In 1699 the success of the pirates had reached its zenith. The first half of the year 1700 witnessed, if anything, an increase in their numbers and boldness (29, 30, 64, 66, *etc.*); but by the end of the year a notable decline in their activity is recorded. That decline was

[1] I am indebted for the latter part of this information to C. Alexander Harris, C.B., C.M.G., of the Colonial Office.

apparently the direct outcome of energetic measures taken by the Government at home and the Governors in America to exterminate these "vermin" (1699, *No.* 505). On the one hand, in accordance with the proposal of the Council of Trade, directions were sent to the Governors of Plantations to send home for trial all pirates then in custody, some discretion in the matter being left to the more reliable Governors (29, 30, 73-82). And accordingly not only were the gaols of Philadelphia, Boston and New York relieved of such notorious and desperate pirates as Kidd and Gillam (*Nos.* 14, 96), but the Governor of Virginia dispatched, in the *Essex* prize, the French pirate Lewis and his crew, whom he had captured (405, 626).

Act for the more effectual suppression of Piracy.

In April the Council of Trade were able to report that Parliament, "having in view the refractoriness of New England and other Plantations" (*p.* 164), had this Session passed an Act for the trial and punishment of Pirates in the Plantations. This Act "for the more effectual suppression of piracy" was based on the Jamaica Act to that effect, which the Proprieties and other Colonies had refused to pass (*p.* 132). "By which" the Council adds significantly (*p.* 164), "those of New England may perceive that when the public good does suffer by their obstinacy, the proper remedies will be easily found here,"—a threat which was repeated (342) in reference to the obstinacy of the Government of the Massachusetts Bay in not providing for their own defence. Mr. Larkin was presently dispatched with commissions for trying pirates (504 *etc.*). Meantime, throughout the Spring, the American waters had been so infested with pirates that they were described as being in a continual state of war, (405, 501, *pp.* 239, 240), and precautions for conveying merchantmen from Maryland and Virginia had to be taken as if it were a state of war indeed (395).

"A state of war."

Captain Kidd.

Before being sent for trial to England, Capt. Kidd made one more effort to escape by making an offer to Lord Bellomont to go to the place where he had left the *Quidah Merchant* and to "bring off 50 or three score thousand pounds," which nobody but himself could find (*p.* 14). In this suggestion of Kidd's we may probably trace the main foundation of all the stories of his lost treasure, a legend very similar to that which has sprung up in our own day as to President Kruger's "millions," supposed to lie in the wreck of the *Dorothea* off the coast of Zululand. We have seen in the preceding volume that Kidd's treasure was in all probability disposed of amongst his friends, and the present volume furnishes further indications of the placing of his goods among the "receptacles" along the coast (*No.* 140, *p.* 680). In Bellomont's account of his commissioning Kidd, he throws blame on Mr. Livingston, and also mentions a rumour that there was a contract between Governor Fletcher and Kidd (850, 850 ii-iv). Some additional evidence of Kidd's villanies occurs (*p.* 196), given by Admiral Benbow; there is also an interesting list of Kidd's crew and their articles of agreement, which provided a graduated scale of pirates' compensation, 100 pieces of eight for the loss of a finger or toe and so forth, and a significant clause that "that man that shall prove a coward or that shall be drunk in time of engagement, before the prisoners then taken be secured, shall lose his share." (354 xvii.)

Gellibrand's Coup.

The pirates did not always have it all their own way, even on the high seas. Nicholas Gellibrand, for instance, mate of the *John Hopewell*, who had been seized by King, the pirate, off the coast of Guinea (133), succeeded in turning the tables on his captor when some of his crew were ashore on the Isle of Annabo (694 ii-vii.). Presenting a pistol to the pirate-captain's

breast, he put him and his men ashore, and sailed away with his sloop to Angola, where he rejoined the rifled *John Hopewell*. Amongst the booty thus recovered was some of the money and plate which had belonged to Mr. Webb, Governor of Providence, referred to in the previous volume.

Governor Nicholson's Capture of a Pirate Ship.

The energetic action of Governors like Bellomont in the North, and Nicholson in Virginia, was likely to have a discouraging effect upon pirates. In the previous year H.M.S. *Essex* prize had been forced to run from Linnhaven Bay after a sharp engagement with a pirate. (*Cal.* 1699, *p.* xviii.) It was characteristic of the energy and directness of the Governor of Virginia, that when a report came to hand of a large pirate ship hovering off the Capes, he himself went on board the *Shoreham*, and by his presence, "and plenty of gold" (500) incited the crew of His Majesty's ship, which was but weakly manned (405), to engage the pirates. After a very hard-fought action, lasting the better part of twelve hours, "in a fine top-gallant gale of wind," over 100 pirates were compelled to surrender on terms (523). The fight is graphically described by Capt. Passenger (523 II.). But for the Governor's presence on board it appears that the engagement might well have ended as did that of the *Essex* prize.

Prevalence of Pirates during the first half of the year 1700.

During the first half of the year, then, the seas swarmed with pirates. "All the news of America" wrote Col. Quarry from Virginia, "is the swarming of pirates, not only on these coasts, but all the West Indies over, which doth ruin trade ten times worse than a war" (500). "The sea is now so abounding in them," wrote the Governor of South Carolina in June —himself not above suspicion of encouraging them— "that a ship cannot stir for them in this part of the world." One pirate had accounted for 17 English

vessels in three months. "Hardly a ship comes through the Gulf, or on our coast but is plundered" (521). They abounded, indeed, in the Gulf of Florida, being not a little encouraged by the Spanish Governor of Havannah (445, 451). But by the end of the year, thanks to the influences I have enumerated, Lord Bellomont was able to report that piracy was at length on the wane (*p.* 679).

Illegal Trade.

The illegal trade from Madagascar was also checked. But in general illegal trade continued to flourish. "Here in New York," says Bellomont, "they run all the goods they can" (*p.* 679); and he declares that no part of the King's dominions practised unlawful trade so much as the Massachusetts and neighbouring provinces. He describes the methods of the Bostonians (*pp.* 678, 679), as Col. Quarry those of the New Yorkers (190).

Edward Randolph's Reports and Proposals.

In the course of his travels as Surveyor General of the Customs, Edward Randolph had gained a knowledge of smuggling ways that was "extensive and peculiar," and on his return to England that indefatigable officer began to expose the methods by which the King's Revenue was cheated, as, for instance, by the export of tobacco *via* Newfoundland to Scotland, or from one Plantation to another, and to propose remedies. All the Plantations, from Pennsylvania to Carolina, were concerned, but he agrees with Bellomont that the merchants of Boston were the chief exponents of illegal trade, and that Newfoundland was the staple of all European and Plantation commodities (906).

Illegal trade was, from one point of view, the natural corollary of the restraining effects of the Acts of Trade. The difficulty the Colonial merchants found in making returns for the goods they were compelled to purchase from England, increased by artificial restriction, rendered them almost desperate, and some of the

Councillors at Boston expressed their discontent with the Acts of Trade warmly and openly enough (*p.* 675).

The end of the Darien Expeditions.

The share of the Scotch in the illegal trade of Pennsylvania is further elucidated by Col. Quarry (190). The final stages of the Darien Expedition are indicated by some documents of importance. In January the Council of Trade, after reviewing the history of the Isthmus, made a Report, which was presently adopted by the House of Lords in an Address to the King (*p.* 133). They represented that a settlement there would touch the Spaniards "in the most sensible and vital part," and would prove highly mischievous to the English Plantations, especially Jamaica, "by alluring away their inhabitants with the hopes of mines and treasure and diverting the present course of trade, which is of the greatest advantage to England." (*No.* 43). In the same month the arrival of the *Rising Sun* and three other "pritty large" ships belonging to the second expedition, is reported at Darien (354. x., *pp.* 20, 50). They had been sighted off the Leeward Islands (16) in November.

In April accounts of Spanish preparations, by land and sea, to crush the Scotch are chronicled (363 I-II.); and towards the end of May news of the final disaster at Caledonia, the ruin of the settlement and the surrender of the Spaniards, reached New York (523 lv.). Defeat by the Spaniards was followed (Sept. 3) by the loss of their ships, crews and all, in a hurricane, when homeward bound (845 xxxi.).

The meeting of Governors at New York.

The meeting of the Governors of New York, Virginia, Maryland and Pennsylvania, which had been for some time in contemplation, and from which it was hoped that important proposals might issue (8, 298), was brought about in September at New York. Unfortunately both Col. Nicholson and Col. Blackiston were taken ill on the way, and the latter was obliged to return

forthwith to Maryland (*pp.* 580, 581, 722). Col. Nicholson reached New York, but so weak with fever as to be almost unfit for business. Col. Hamilton, the Governor of the Jersies, also attended. Mr. Penn and Governor Nicholson made some attempt to reconcile the parties at New York, and the merchants with Lord Bellomont, but do not appear to have met with much success. Bellomont was not prepared to indulge unlawful trade or piracy, and reiterated his belief that, until Fletcher's grants had been annulled, "these people are irreconcileable" (*p.* 582). Mr. Penn was obliged to hurry back for the meeting of his Assembly; whilst the absence of Col. Blakiston and the illness of Col. Nicholson tended to render the meeting abortive. The Governors separated with the determination to meet next spring at Philadelphia, but not before they had discussed, and in part agreed upon, some recommendations, drawn up by Mr. Penn, "that would certainly tend to the good of the Colonies" (*pp.* 581, 722, and *No.* 845 xxxii.).[1]

William Penn's proposals.

Apart from such large and pressing questions as the settlement of the French Boundaries and the conciliation of the remote Indians, Mr. Penn was eager for the extension of the General Post, and he has some significant comments upon the working of the recent Woollen Act. A protective duty on foreign timber

[1] The Calendar for 1697, No. 694, shows that Penn had proposed an annual meeting of the Governors. Doyle (*Puritan Colonies*, Vol. II. p. 437 and *note*) apparently assigns to that year the document A. & W.I. 572, *No.* 5, which I have been able to identify as a duplicate of that printed here, No. 845 xxxii. He describes it as "a scheme devised by William Penn, and endorsed, as it would seem, with approval by Bellomont." The "endorsement" he refers to is Bellomont's usual voucher to a "true copy." As to the authorship, he says "The writer or writers throughout use the form of we. I cannot find any further proof that Penn was the author of it." The form of "we" is clearly accounted for by the circumstances narrated above.

imported into England is proposed; a common law of nationalisation, and a uniform system for dealing with runaway servants and fraudulent debtors. Attention, too, is called to the uneasiness caused by the difficulty the Colonies experienced in making returns for the goods imported from England, the balance of Trade being increased against them by the restrictive action of the Acts of Trade. The need for a standard coinage, and the establishment of a Mint at New York for small silver, "for prevention of clipping and filing as well as wearing," is clearly stated. The varying value of a piece of eight, and the chaotic condition of the coinage generally, were serious handicaps upon the development of commerce in the American and West Indian Colonies (845 xxxii.).

Colonial Currency.

The bad effects of the disorder of the currency is well illustrated by the difficulty experienced in fixing a price in Carolina (*p.* 357). In a letter to the Commissioners of Customs, March 6th (190), Col. Quarry calls their attention to some of the evil results arising from the irregularity of the Colonial Currency.[1] We have seen that this subject had already engaged the attention of the Council of Trade (*Cal.* 1699). On July 5 Mr. John Tysack brought forward a proposal for the establishment of a Mint in the Plantations as a remedy for the varying values of a piece of eight; the price of Spanish money was to be adjusted by Proclamation to 6*s.* 3*d.* per ounce. In the light of past experience, the idea of a Mint was rejected (614, 616). The whole matter was ere long to be the subject of far-reaching Imperial

[1] Sir Robert Chalmers in his admirable *History of Currency in the British Colonies*, *pp.* 6, 11, 12, says that this "warning did not reach the Board of Trade," and adds that their attention was first drawn to the disorder prevailing in Colonial Currency "by Mr. John Fysack's Memorial of July 5, 1700." *Nos.* 190, 469 show that Col. Quarry's letter of March, 1700, was read and seriously considered by the Board on June 19. I read Tysack, not Fysack.

Legislation. Meantime the Acts of Nevis, which attempted to deal with the difficulty piece-meal, were repealed as contrary to the Instructions given to Governors (789, 849).

Retirement of John Locke.

To assist the Board in their deliberations upon Mr. Tysack's proposals, the Council of Trade availed themselves of the knowledge and theory of Mr. Locke (607). He had resigned his position on the Board at the end of June, "finding his health more and more impaired by the air" of London (600). He had been one of the most diligent members of the Board. His reasoning had been largely responsible for the Bill for the restoration of the coinage in England in 1696. It would appear, then, that his views also influenced the coming legislation on Colonial Currency.

The Council of Trade.

In the new Commission of the Council of Trade, the place of the philosopher was supplied by one whose fame as a man of letters has partly eclipsed his success as a diplomat and man of affairs, Mat Prior. In *No.* 244, the Board rendered an account of their stewardship to the House of Commons. They at last succeeded in obtaining an Order for payment of arrears due to the office from the Treasury (959). Apart from their various other activities, they continued their laudable endeavours to get correspondence written, laws made and returns dispatched in a business-like fashion (729, pp. 6, 736 *etc.*). But, not to mention the confusion of documents, which it is the Editor's business to sort or date, the keeping of the Journals of the Houses remained sadly deficient in some Colonies, though such an entry as "Put to the vote whether 200*l.* or 150*l.* shall be the present made to His Excellency; carried in the *affirmative*," offers but little difficulty of interpretation (418).

Admiralty Passes.

The time allowed by the Dey of Algiers for supplying ships trading in the Plantations with Admiralty Passes (*see Cal.* 1699) was held to be insufficient (4, 480 I., 488,

497). It was not till a British squadron appeared in the Bay that the Dey proved less obdurate and an extension of time was granted (502, 948 I.). Arrangements were made for the dispatch of the Passes (577) and, in course of preparing Instructions for their distribution, the Council of Trade had to call the attention of the Admiralty to the fact that Virginia was not an island (547).

Naval Stores.

In a series of dispatches (580, *etc.*) Lord Bellomont continued to develope his scheme for supplying Naval Stores from the American Colonies (*Calendar*, 1699, *p.* xxv. *etc.*). By means of the plan which he here elaborates, he proposed to furnish England and all the King's dominions with tar, masts and ship-timber of all sorts at half the prices then obtaining. The whole of the Eastland trade in Naval Stores, except flax and hemp, was to be turned into this new channel, with all the consequent advantages both to the mother-country and her Colonies (*p.* 266). In the previous volume we have seen that Bellomont showed himself jealous of those who were ready to borrow his pet scheme, and to "plough with his heifer." Doyle, on the other hand,[1] accuses him of having borrowed his ideas from Col. Hamilton, quoting as evidence the document 580 II., which he wrongly attributes to the year 1699. On *p.* 358 it will be seen that Bellomont refers to an interview with Hamilton on the subject, remarking "he refined on my project and brought me a scheme of his own," which is then criticised.

At home the scheme met with some opposition. The experts returned an adverse report upon the specimens of Naval Stores which had been sent from

[1] *The English in America. Puritan Colonies*, Vol. II. *p.* 436. On the authority of New York Documents, IV. *p.* 679. The documents of this Calendar, 1699-1701, will prove, I think, that in many instances Doyle is unfair to Bellomont.

New England, a report which no doubt, reflected in part the wishes of those who had a vested interest in the Eastland Trade (117 I., II., 233 II., *p.* 360). A private Company also endeavoured to obtain the contract for so lucrative a traffic, but the Council of Trade succeeded in damping their enthusiasm by requiring them to undertake to deliver definite quantities at fixed prices, whether in peace or war (*Nos.* 227, 333). At the same time orders were sent to Lord Bellomont directing him to make a beginning with his scheme upon a small scale, and to use for that purpose the soldiers he then had at his command (*pp.* 158, 177). But, as he was quick to point out, that was impossible without some ready money to pay the soldiers' wages before their labour bore fruit, and impossible also until the Act for vacating extravagant grants, passed the previous year at New York, was confirmed. "As the case stands, the King has not an acre of land or a tree in this Province" (*pp.* 576, 671). Nevertheless, regardless of risk and undeterred by lack of encouragement, Bellomont, in his zeal for the King's service, had loaded the *Fortune*, a condemned ship and therefore useless for private trade, with timber for the Navy, and dispatched her to England (702), with what unhappy result we shall see when she completes her voyage next year.

The ship in question had been bought back for the King's use, by the Lieutenant Governor and Council of New York, in order that Col. Depeyster, the purchaser, might not suffer through the Attorney General's ignorance. The Council of Trade had already written to point out that the loss incurred ought not to be thrown upon His Majesty (*p.* 159).

Bellomont also made a contract for supplying the Navy with masts from the Mohacks' woods, which he hoped would prove "the best bargain for the King that ever was yet made" (*p.* 671).

Lt.-Gov. Partridge and the Timber Trade in New Hampshire.

Meantime the settlers in New Hampshire and the Massachusetts Bay entered eagerly into a profitable trade in timber with Spain, Portugal and the West Indies. That the woods were being felled in a reckless and wasteful manner is abundantly evident (42 I.); the finest trees were being rapidly hewn in order to be sawn up into planks or to supply those who were soon to be the King's enemies with masts for their fleets. Foremost in this congenial and profitable trade was the ex-carpenter, William Partridge, Lt.-Gov. of New Hampshire. Bellomont had stopped the *Mary* from sailing with a cargo of timber for Spain and Portugal, but since there was no law to prevent it, an Order in Council was obtained that she should be allowed to proceed upon her voyage (336 I., 407, 412, *p.* 363). The Council of Trade, however, had already written to Lord Bellomont, exhorting him to discourage this export trade to Portugal, and to prevent the waste of the woods so far as he could, and blaming Partridge for his share in it (*p.* 177). Partridge none the less continued to drive his trade merrily. Bellomont, impatient with the meanness of this millwright in "preferring a little sordid gain before the interest of England," characteristically remarks that to set a carpenter to preserve woods is like setting a wolf to keep sheep, and recommends that all Governors should be "not men of the country, but Englishmen," and well-born Englishmen at that, of undoubted probity and some fortune (*p.* 193). Partridge's defence of his conduct is given (961), and is of some importance as indicating the course of Trade, and the difficulty the Colonies were experiencing in making returns for the goods imported from England. The waste of the woods had been so great that it was now necessary to go twenty miles inland in order to obtain a mast fit for the Navy (*p.* 361). The Admiralty urged that Bellomont should be directed to establish

laws for the preservation of trees "that are or shall be fit for use in H.M. Navy," and directions to this effect were sent (104 i., 116 i., *p.* 158). Later in the year, in a representation upon the whole question of the timber in America, the Council of Trade pointed out that there was no sufficient provision yet made for the preservation of the woods, and recommended that some new regulations, such as those outlined by Lord Bellomont (*p.* 361), should be passed, either by the Assemblies of Massachusetts Bay and New Hampshire, or, if Lord Bellomont could not persuade them to that, by an Act of Parliament for which he should suggest the heads (841).

The provisions of such an Act he had, in fact, already sketched. Besides forbidding the export of timber to any foreign country and providing for careful forestry, it should, he suggested, vacate all extravagant grants of land, annul Col. Allen's title to New Hampshire, and vest these lands in the Crown. Fletcher's "intolerable corrupt selling away the lands of the Province," he argued, cramped the people for land and was fatal to his scheme for Naval Stores (*p.* 678).

Act for vacating extravagant Grants.

He had just cause for complaint in that the law to annul some of these grants, which he had procured last year, had not yet been confirmed. Till it was approved, he not only could not proceed with the vacating of the rest, but dared not even to act upon it. "I write now," he says in July, "in the anguish of my soul, quite dispirited for want of orders from the Ministers" (622). And he pointedly argued that the Parliament which had just resumed the Irish Forfeitures, whereby he himself was a sufferer, and the soldiers in New York were temporarily docked of their pay, could scarcely boggle at the resumption of grants so extravagant and unjustifiable as those made by Fletcher and his predecessors (*p.* 671). The law had met, of course, with

the most strenuous opposition at home (716), and this had been so far successful that the Attorney General expressed doubt as to the precise meaning of the Lords Justices' Instructions, upon which the Governor had acted. "Whether it was intended to re-assume all grants the Governor and Assembly think extravagant by an Act of the Legislative power, or whether he is thereby directed to reassume all such extravagant grants as had been unduly passed by the ordinary course of law there, is to me very doubtful" (598).

Col. Allen's claim to New Hampshire.

Col. Allen's pretensions to the Proprietorship of New Hampshire, and all the other claims which he derived from his bargain with Mason were, in Bellomont's opinion, as much "an abomination and mistery of iniquity" (*p.* 364) as Col. Fletcher's grants. He proposed, accordingly, that Allen, out of charity, should be re-imbursed the 250*l.* which he had paid to Mason for his shadowy title to an estate worth at least 3,000,000*l.*, and that his claim should be disallowed (*pp.* 194, 360).

Putting aside the question of the validity of Col. Allen's title, there seemed every probability that, if he attempted to enforce his claim to quit-rents, the whole Province would be in a blaze. To judge from the evidence of Mr. Usher (992), the inhabitants sympathised with those of New Jersey in their Republican sentiments. "It's a principle too much entertained in these parts, ye King hath nothing to do, unjust they may not have the Government in their own hands and act without control; Acts of Parliament ought not to be laws for Plantations, unless had Representatives in Parliament; if may write plainly, are not for Kingly but for Commonwealth Government, which pray *Libera nos.*" But apart from these views, the patientest of us all, as Bellomont remarks (*p.* 360), would resist, if after fifty years peaceable possession, "such a Proprietor as Col. Allen were to drop out of the clouds to oust us."

His attempts to bribe Lord Bellomont.

"I have reason above other men," Bellomont drily observes (*p.* 359), "to believe Col. Allen's title is defective, having been much urged to be bribed to favour his claim. There was an offer made me of 10,000*l.* and that Col. Allen should divide the Province with me; but I thank God I had not the least tempting thought to accept of the offer, and I hope nothing in this world will ever be able to tempt me to betray England in the least degree." On the same day he wrote to Mr. Secretary Vernon a full account of the endeavour to bribe him.

Again and again the desperate claimant had returned to the charge, whilst walking with the Governor on the green in front of the Minister's house at Hampton when he was on tour, or visiting him at Boston, and tempting that proud and honest nobleman—honest in an age of almost universal official corruption—with the offer of half the Province and a dowry of 10,000*l.* for his daughter, whom he proposed as a match for Bellomont's youngest son. In return, the Governor was to countenance his claim, grant him a trial, and overawe his adversaries. "I told him I would not sell Justice, if I might have all the world" (582 II.). In the same letter Bellomont announces his very significant "discovery" that William Blathwayt, King William's favourite, Secretary of War and a Member of the Council of Trade, was concerned in a bargain with Allen "for half of his pretended interest in New Hampshire and a great part of this Province" (Massachusetts Bay). Blathwayt, in return, had undertaken to procure a *mandamus* to force the inhabitants of New Hampshire to a trial with Allen (582, 582 I., II.).

William Blathwayt's Bargain with Col. Allen.

Bellomont had already plainly hinted at his conviction that there was a Member of the Board who had rendered ill service in advising the King to reduce the garrison of New York (*p.* 432 *etc.*); this was evidently intended for Blathwayt, and Blathwayt it was, he now suggests,

who had made a milch-cow of the Plantations for many years past, not only by this "villainous bargain" but also by selling "the lands in New York to Col. Fletcher," by which no doubt he means that it was Blathwayt who introduced into Fletcher's Instructions the clause which enabled him to make his "extravagant grants" (582, 582 I., 667). On *p.* 719 he indulges in another side-thrust at Blathwayt's sale of employment in the Army.

Influence of Bacon's Essays.

Bellomont, with a mind trained upon Bacon's *Essay on the Plantations* (*pp.* 673 *ff.*) and with an imagination stimulated by the vast potentialities of wealth and industry in the magnificent country he saw around him, the greatness of which he continually strove to bring home to the King and his Ministers, not only did his utmost to promote the trade of the Colonies, but also had a vision splendid of his King's glorious Empire in America, self-supporting and self-sufficing (850 V.). His ambition, and the keynote of all his schemes, was to increase the British mercantile marine and to develope Colonial products, whether Naval Stores, wines or even ship-building, which did not clash with home manufactures (953). It is interesting to note his instructions to Col. Romer to inspect a spring "which blazes up in a flame, when a firebrand is put into it," which may indicate that he was not far from "striking oil" (845 VIII.).

Imperial Defence.

Bellomont's scheme for the supply of Naval Stores was linked with his demand for the erection and repair of the Forts upon the frontier, and for an increase of the garrisons for Imperial Defence (*pp.* 543, 544). He repeatedly urged the absolute necessity of repairing the forts of Albany and Schenectady and of building other forts. He represents the "scandalous weakness" of the Forts at Albany and Schenectady, "the gates are down, and carts could be driven through the walls"

(*p.* 574), but has little hope that the Assembly at New York would be at the expense of re-building them (Oct.). He waits in desperation for orders from home to authorise him to begin the work (*p.* 400); he applies for discretionary powers to be given him to draw upon the Treasury in order to meet emergencies of this kind (*pp.* 93, 575); he burns his fingers by providing wheelbarrows in anticipation of instructions, which he did not receive, and was left to lament his over-hasty wisdom (*p.* 575). He was blamed by his successor, Lord Cornbury, and the blame has been repeated by such historians as Mr. Doyle,[1] for leaving the frontier defences in a deplorable condition, but, in the face of the documents printed in the present and the preceding volumes of this Calendar, it seems preposterous to hold him responsible. It was only in the last weeks of the year that the Council of Trade, who appear to have been fully alive to the necessity of the work, wrote to him, urging him to use his best endeavours that the Assembly of New York should speedily take in hand the repair of Albany and Schenectady Forts. They also directed him to apply to the Governors of the neighbouring Plantations to induce their respective Councils and Assemblies to contribute towards that undertaking (1037). On Christmas Day orders were issued granting him the power, which he had desiderated, of drawing on the Treasury for small sums at his discretion to be spent on work at the Forts, an order was issued for furnishing spades, etc., and directions were given, in accordance with his advice, for letters from the King to the Governors and Assemblies of the other Plantations, to be prepared, "to excite them to contribute in their several proportions to the charge of securing the frontiers of New York" (812 I., 1054). It was, indeed,

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[1] *English in America, Middle Colonies, p.* 331.

a case for the combined effort of the various Plantations, in which each should contribute their quota of men and money (*p.* 267). It remains to be seen how they fulfilled this duty of self-defence.

Condition of the Garrison at Albany.

If the state of the fortifications was deplorable, the plight of the garrisons was even worse. The soldiers at Albany were sadly reduced in numbers, almost naked, "bare-footed and bare-thighed, with little bedding" and no pay, and on the verge of starvation. They were at the mercy of the victuallers for their supplies, and Mr. Livingstone was busy "pinching an estate out of the poor soldiers' bellies" (*pp.* 431, 572, 577, 593). Seldom can the British soldier have been more hardly treated, and it is little to be wondered at, if on Bellomont's arrival, they "had like to have mutinied" (*p.* 572).

Mutiny of the Garrison at New York.

At New York matters went even further. Bellomont complains that he has in his company "a parcel of the swearingest and drunkenest soldiers that ever were known"; the officers were absentees or drunkards, and, having taken to keeping tap-houses for a livelihood during the time when they were not paid, could not now be cured of that habit. Bellomont, indeed, was so disgusted with the state of affairs, that he declares that he would not stay another week in the country, were it not that he had a mind to accomplish the conciliation of the Indians, the building of the Onondage Fort, and his project for furnishing Naval Stores (*p.* 607). A hundred recruits arrived. They at once found good cause for discontent. They were to be mulcted of their "sea-pay"; a deduction of 30 per cent. was to be made from their English pay (to balance the difference in exchange); the stores supplied by the Ordnance Office were rotten; and, to prevent their mutinying at the "sad provisions furnished by the Victualler," Bellomont was obliged to undertake to pay them and

the Garrison at Albany the money for their subsistence weekly in cash.

To do this he had to engage his own credit, and the merchants, who loved him not, seized the opportunity to embarrass him in his efforts to obtain the money. So far from following the example of his bug-bear, Fletcher, and pocketing the greater part of the 30 per cent., he insisted that it should be remitted. It was an intolerable oppression—especially in a country which was full twice as dear to live in as London—and the King's honour was involved. The deduction had so much the air of a fraud, and the consequences were likely to be so serious that he decided "to wash my hands of it and the Government too, unless they have full English pay" (*pp.* 576, 606). On Oct. 28 the discontent of the soldiers came to a crisis. There had already been an attempt at mutiny some ten days before, encouraged, it was said, by certain of the malcontents in the town (*p.* 580). There was now an outbreak, which, but for want of brains on the part of the soldiery, and for presence of mind on the part of Bellomont, aided by the prompt assistance of the citizens, might well have had the most serious results.

The soldiers, who had been drawn up to hear the new Act (874) for punishing mutineers and deserters read, and for some of their number to be told off to re-inforce the garrison at Albany, "swore that they would not stir till they were assured of full sterling pay and sea-pay." Fortunately they had chosen to mutiny outside the walls of the Fort. Whilst they were still clamouring for their pay, and making a move to seize the Fort, Bellomont sent to the burghers to come into the Fort without arms, by twos and threes. Townsmen and merchants of all parties hastened to obey the summons. In a short time a sufficient force had been collected and armed within the Fort to overawe the soldiers, who

submitted at discretion. The ringleaders were court-martialled and punished. Two of them were shot, not without intercession on their behalf by some members of the Council, whose indecision called forth Bellomont's undisguised disgust (*p.* 667, *Nos.* 880, 953 II-V).

So far as the Home Government was concerned, the labours of the year end with enquiries made of Capt. Bennet and Admiral Benbow as to the state of defence of the Bermudas and Jamaica, and with the preparation of Instructions as to the forts necessary to be maintained by the Government of the Massachusetts Bay (1063, 1064).

Such was the weakness of the fort at Albany that the inhabitants informed Lord Bellomont, on the occasion of his visit in August that, unless proper measures were taken for their defence, they intended, should war break out, to abandon the place at once (*p.* 595). It was, as we have seen (*Cal.*, 1699), a place of supreme importance both for the fur trade and for the defence of the frontier.

The Indians wavering.

It is an obvious fact, sometimes expensively ignored by unimaginative administrators, that the prestige of a nation depends very largely, in the eyes of the native races, upon the visible proofs of its force. The shameful plight of the soldiers at Albany, who had not rags enough to cover their nakedness, could not but be compared unfavourably by the Sachems of the Five Nations with the condition of the soldiers of the French King in Canada (666, *p.* 92). The Indians, indeed, had, as has been seen in the preceding volumes, for some time been showing signs of wavering. Dread of the apparently superior power of the French, disappointment at the failure of the English to build them a fort and to furnish them with ministers to instruct them in Christianity, had combined with the seductive inveiglements of the French Governor and French Jesuit

emissaries to shake them in their allegiance to the English King. But, more than anything, the report circulated by the French to the effect that Bellomont had received orders to disarm and extirpate them, aud to that end would poison them, both exasperated and alarmed the Indians, who were allied to the English interest (*pp.* 91, 431, 543).

The French intrigues with the Indians.

The alarums and excursions of the present year were largely the result of English supineness in 1699, but largely also of the unscrupulousness of the French agents, who thus twisted to their own advantage the honourable endeavours of the English Government to fulfill the obligations of the Treaty of Ryswick (*p.* 91, *No.* 877). "I believe an Indian has a greater passion for hunting than for wife or children, and whoever talks of disarming them, will set 'em in a flame," Bellomont observes (167), whilst the French, concealing the similar orders sent by their own King, circulated through the country the Instructions of the English King as to disarming the Indians (167 III, 170 X, *p.* 267). The French Jesuits were busy among the Five Nations endeavouring to alienate them from the English. M. de Bruyas, whose compliments Bellomont had gauged at their true value in the preceding year, stopped at Albany on his way back from Rhode Island, and then wrote for leave to continue his missionary enterprises amongst the Indians (see *Cal.* 1699, 1011 XXVIII). His letter dated Oct. 13 had not reached Bellomont till Nov. 22. "Probably there was design in the slow conveyance of the Jesuit's letter, that it might not be in my power to prevent him," is Bellomont's caustic comment (*pp.* 91, 268).

Force was added to persuasion. In order to compel the Five Nations to make their submission to the Governor of Canada the French instigated their Indian allies, in this time of peace, to slaughter the English

Indians (666 IV, VI). The complicity of the French Governor is evident from the account of the Indians themselves (666 VII, 845 V).

Threatened general rising.

In January and February, then, comes an ugly alarm of a general rising of all the Indians, concerted between the Eastward and Westward Indians, the Five Nations the Schachkook, and New Rosbury Indians alike, which was to take place in April (167). "The Sachem of Pennicook boasted that he had the longest bow that ever was in New England; it reached from Penobscot to the Mohawks' country, meaning that all the Indians throughout the country were engaged in the design" (170 X). If this general rising were to occur, Bellomont prophecies, the English would be driven out of America in two months (167 II, III, *p.* 181). Incidentally he gives a vivid description of the Indian method of warfare, which would clearly render useless any attempt at defending the frontiers by a system of counter-sorties. "Their way of fight is not to come hand to hand, but they lie sculking in the woods behind bushes and flat on their bellies, and if those they shoot at drop, then they scalp them, but if they perceive they have missed their shot, they run away without being so much as seen, and 'tis to as much purpose to pursue 'em in the thick woods as to pursue birds that are on the wing. They laugh at the English and French for exposing their bodies in fight, and call 'em fools. At my first coming hither, I used to ridicule the people here for suffering 3 or 400 Indians to cut off five times their number, but I was soon convinced it was not altogether want of courage in the English that gave the advantage to the Indians this last war, but chiefly the Indians' manner of birding, as I may call it, the English, and using the advantage of the woods" (*p.* 180).

"Pinioned for want of soldiers, money, and orders," Bellomont was unable to take the prompt measures he

felt to be necessary upon the first alarm of the threatened rebellion, measures which included the immediate building of a fort in the Onondage country, a large present of fire-arms, and the seizing of the Jesuit "vermin," whom he found tampering with the Indians (*pp.* 92, 93).

At Boston the Council was thoroughly alarmed and gave directions for every precaution to be taken (96, 216). The Assembly was specially summoned to meet, March 13th, and passed Bills for levying soldiers and calling out the Militia. A force of the Militia was told off to guard the frontiers. A Proclamation was issued and dispatched by expresses to all parts of the province, to undeceive the Indians, to put the settlers on their guard, and to warn them to treat the Indians with moderation. A day of General Fasting was appointed and a day of supplication for "the blasting of the evil designs of all that hate Zion" (217, 231, 235, 345 iv, v). All these measures, no doubt, had their effect in averting the threatened trouble, but, as Bellomont laconically observes, "whether the sudden march of the forces I ordered to the frontier towns did not operate more effectually, is a question" (*p.* 179). A month later, however, John Sabin, who had previously brought the bad news from Woodstock to Boston, came in again to the Governor with a no less serious warning of an impending insurrection, which the Sachems were then concerting. Again the rumour circulated from Canada is given as the cause, together with the teaching of the Jesuits "that the Virgin Mary was a French Lady, and Our Saviour a Frenchman, but the English are heretics and it will be a meritorious service to kill Englishmen" (345 vii). This information was confirmed by Mr. Dwight, the minister at Woodstock, who appealed for help in the following remarkable strain, "We cannot be more fully persuaded of mischief boding than we are, nor

can we give other assurance, unless we would be content to be the amazing butchered spectacles of so many miserable cadavers" (345 VIII).[1] Upon receipt of this news Bellomont immediately sent instructions to the Commissioners for Indian Affairs at Albany to visit the Five Nations, to re-assure them and to make enquiries as to the extent of the French intrigues (*p.* 180, *Nos.* 345 XI, XII). Before they had done so, the Commissioners reported that they thought the Five Nations at least were faithful to their allegiance (345 XIII, XIV), and the Pennicook Indians waited upon the Governor and Council at Boston with assurances of their fidelity (330). No outbreak did actually occur in April. The scare, as is often the salutary way of scares, seems to have worked a cure by prevention. But that does not prove that there was no ground for the scare.

When the news of the threatened rising reached England, the Council of Trade recognised the gravity of the situation. An extraordinary Council was held, at which the Lord President, the Lord Privy Seal and the Secretary of State were present (325, 341). A representation upon the whole question at issue, of French intrigue and the means to counteract it and to quiet the troubled Indians, was drawn up and laid before the King. In accordance with Bellomont's request, 500*l.* was ordered to be advanced towards the building of a sod fort in the Onondages' country; the complement of the New York Companies was raised again to 400 and their arrears ordered to be paid, 800*l.* was granted to be laid out in buying presents, especially

[1] Misquoted by Doyle, *Puritan Colonies*, Vol. II. *p.* 435, who attributes the phrase to Bellomont. Bellomont would no more have written such a sentence than Bacon could have written such a phrase of Shakespere's as "My hand will rather the multitudinous seas incarnadine."

firearms, to be forwarded at once by the *Advice*. Bellomont himself was to proceed to Albany and confer with the Indians (357 I, 426). These orders were carried out in spite of some refractoriness on the part of the Board of Ordnance, who presently caused further trouble by wishing to supply guns totally unfit for the use of the Indians (436, 581).

On returning from their interview with the Five Nations in May, the Commissioners at Albany wrote in a somewhat different key (466 I-IX). They found no reason, indeed, to believe that the Five Nations were conspiring with the Eastern Indians, but they found abundant evidence of French influence (466 IV, VI). They reported that our Indians were "dejected and in a staggering condition"; two-thirds of the Mohawks had deserted to Canada, where they were clothed and protected by the French and attended by priests (666 III, 895 VI, VII). They had been taught the "diabolical practice" of poisoning our Indians (*p.* 433, *No.* 466 III). Not presents alone, but ministers to teach them, and forts to secure their castles must be provided in order to retain the allegiance of those who were still loyal. Mr. Livingston adds, "We shall never be able to rancounter the French, unless we have a nursery of Bush-lopers as well as they." (This translation of *Courcurs de Bois* appears not to be known to lexicographers, though we might have expected it to pass into use.) The way to obtain them, he urged, would be to promote an alliance between the Five Nations and the Far Nations and to build a fort, not at Onondage, but at Wawyachtenok, where the latter might come to trade. A fort, too, and a minister at Shackhook, he recommends (466 III).

In June and July came a fresh alarm of mischief brewing among the Eastern Indians, those who had settled about New Roxbury and Woodstock moving off

to join the Pennicooks, who were further reported to be about to attack the Mohegans (581, 619, 619 II, IV, 642, 645). The latter had always been faithful to English interests, and had incurred the resentment of the other Indians by revealing the intention of the late conspiracy (641, 775). The Lieut.-Governor and Council of the Massachusetts Bay warned the Pennicooks to desist, and their Sachem threw the blame on the New Roxbury Indians (701). On the other hand, the Five Nations announced that some of the Dowaganhaes had proposed to settle on Lake Cadarachqui and to enter into the Covenant Chain with them and Corlaer (Bellomont) refusing, however, to send their representatives to Albany in June for fear of being poisoned (666 VI). This rumour of poison was industriously circulated by the French, in order to prevent the Indians attending the conference at Albany (*p.* 275). Bellomont left Boston for New York, where he arrived on July 24th. The Assembly was to have met on the following day, but, owing to some of the members not having accomplished their voyage down the Hudson River, did not do so until the 29th (666, 845). The Governor in his Address confined himself to the pressing necessity of preserving the friendship of the Five Nations, by settling ministers amongst them and building a fort. Ministers of a suitable kind, indeed, he could not obtain in that country (*p.* 434), and he despaired of persuading any to undertake the task until they were provided with the security and comparative comfort of the fort (*pp.* 573, 587). He had received no instructions from home in reply to his urgent requests; nor indeed any letter for close upon a year (*p.* 901); it was therefore imperative to obtain a vote, by hook or by crook, towards building the fort, in order that he might have some definite encouragement to offer to the discontented and dejected Indians, when he met them in conference

at Albany a few days later (667-669, 687, *pp.* 568-600). The Assembly at first demurred. They doubted the necessity ; they feared the difficulty of sending men and materials so far ; they demanded more information ; they insisted on having a share in directing the construction of the fort for which they were to pay. Bellomont replied that the necessity was urgent ; he gave the required estimate of cost and construction ; as to the difficulty, the French had shown us the way at Cadarachqui (*cf. p.* 273) ; as to the site, that was for the King's engineer to decide ; it was not safe to delay till the neighbouring Colonies should contribute (687). A Bill "for securing the Five Nations" was at length sent up (703, 845). It was far from satisfying the Governor and his Council. The sum granted was less than that he had proposed, and the method of raising it was regarded as destructive to trade and the King's revenue. Also, Bellomont thought it "derogatory to the King's prerogative that the House of Representatives should take upon them to appoint Commissioners to direct in the matter of building a fort." However, it was of vital importance that a fort should be built, and Bellomont persuaded the Council to pass the Bill under protest.

Bellomont's conference with the Nations at Albany.

Armed with this sop for the Indians, Bellomont prorogued the Assembly and arrived at Albany on Aug. 13th (*pp.* 472, 570). The Sachems, terrified by the French suggestions that he intended to destroy them, made him wait a fortnight before the conference began. There is also some suggestion of intrigue upon the part of the Governor's political opponents (*pp.* 570, 572). The Anti-Leislerite party at Albany, together with Mr. Livingston, now and later exerted themselves to cross his Indian policy, and to prevent the building of a fort in the Onondage country (*p.* 669).

Meantime the Commissioners at Albany had been endeavouring, not without some success, to win back

the "Frenchified" portion of the Onondages and Mohawks (466 IV, 666 III-VII), who had gone over to Canada.

"I do find these Indians the same I always took them to be, a subtle, designing people, and that there is nothing has the ascendant over them but fear and interest," says Mr. Livingston (*p.* 473). And, indeed, those simple children of the west, with their complaints of the "small loaf" and dear goods, seem to have had a very pretty notion of how to suck out some advantage for themselves from the jealous intrigues of the Europeans (666 IV, V, *p.* 586). The conference at Albany at length took place; there was a very large gathering of Sachems and the proceedings lasted over a week. Surrounded by his shabby soldiers, half-starved and in tatters, but bravely striving, no doubt, to uphold the dignity of the King's uniform, supported, but not with unanimous loyalty, by the Commissioners for Indian affairs (*p.* 572) and the sturdy Dutch settlers on the frontier (*p.* 595), in an atmosphere thick with the smoke of candles, the reek of rank tobacco, the fumes of rum and the smell of the bear's grease with which the Indians daubed themselves (*pp.* 570, No. 895 V), Bellomont wrestled with the sullen Sachems and prevailed at last, whilst the Representatives of the Pennicook and Eastern Indians sat watching to see on what terms the Five Nations and the English should prove to be. Presents and promises, arguments and his own eager and genial personality won the day. "They appeared sullen and out of humour at first, but by degrees I brought 'em to perfect good temper . . The message I sent last Spring to the Five Nations was a most lucky step, and was the hindring the Indians from a revolt to the French. I had the good luck to be too nimble for Bruyas, the Jesuit, and M. Maricourt, and by my present of a belt of wampum, I frustrated

theirs, insomuch that upon their coming the Indians told 'em they were pre-engaged to me" (*pp.* 570, 589, *No.* 845 v.).

During the Conference, Bellomont pursued his policy of endeavouring to draw the Dowaganhaes into a trade with the English (*p.* 571) and encouraged the River Indians to invite the Eastern Indians to come and settle with them at Skatchkook (*p.* 590). As the result of his management, he wrote in jubilation in October to announce that the Eastern Indians had renounced the French and submitted to the Five Nations (*p.* 583, *No.* 845 xxxiii.) A week later, however, these hopes were shattered, and a sudden attack by some Eastern Indians upon some of the Five Nations seemed to prove that the proffered friendship was merely a ruse, a French stratagem, it was suggested, to lull those Nations into a false security (872, 953 ix.). Within a few days of Bellomont's announcement that the Eastern Indians had submitted to the Five Nations, a letter was written from Quebec (835), in which it was stated that the intrigues of the French Governor had been crowned with success, and that his policy of encouraging the Dowaganhaes and other far Nations to destroy them had compelled the Five Nations to come and sue to him for peace[1] (666 vii, 835).

And almost at the same time a Representation from the Council of Trade was forwarded to the King to the effect that the French practice of seducing or destroying our Indians on the frontier, so directly contrary to treaty engagements, should no longer be tolerated (877). Meantime, by providing for the settlement of a trading-house and fort in Casco Bay and for the establishment of three ministers among the Eastern

[1] The Onondagas had, in fact, asserted their independence of New York control by signing peace with De Callières, Sept. 8, 1700. (*See* Kingsford, *Hist. of Canada*, Vol. ii., *pp.* 389-394.)

Indians, the Massachusetts Government had taken some necessary steps in the right direction (509, 618, 731, 746).

Harsh treatment of the Indians.

They also passed a Bill "to prevent abuses to the Indians," of which Bellomont remarks that "it has a specious name, but the Representatives left out the most useful clause in it." He adds that the Indians were barbarously treated in many parts of that province, "which is not the way to propagate Christianity among them" (576, *p.* 672). The protection of the Indians from unscrupulous traders, and the securing for them a fair price for their beavers was a duty to which Bellomont had pledged himself at Albany (*pp.* 586, 589). Fair dealing with the natives is a principle of good administration upon which the Home Government has often had to insist with the settlers in a new Colony. It was a principle which the Council of Trade did not omit to inculcate in their despatches both to the Governor of Massachusetts Bay and the Governor of Virginia (*pp.* 7, 165).

Matters in dispute with the French.

The settlement of the boundaries between the French and English was a necessary preliminary to the establishment of a proper and undisputed jurisdiction over the Indians, the arrest of French aggression and the dealing with Jesuits (718, 1036). It was a point which the Indians themselves had pressed at the Albany Conference (*p.* 589). Little seems to have been attempted in this direction. Perhaps the shadow of inevitable war, which hung over the country, darkened the diplomacy of Ministers, who awaited the arbitrament of a sterner tribunal than theirs. We have seen in the previous volume how energetic were the preparations which the French were making in Canada (*cf. p.* 575).

Iberville visits New York.

The appearance of a French man-of-war in New York harbour now gave rise to no little uneasiness. New York is not on the way from the Bay of Mexico to

France, and that *La Renommée*, with M. D'Iberville on board, should have come so far out of her course, caused the explanation of "wood and water" to be regarded with suspicion, and the intention was rather held to be "to examine our channel and harbour" (*pp.* 400, 402, *No.* 620 i).[1]

The movements of some French *Coureurs des Bois*, inclined to pass over to the English, being dissatisfied with such a restriction on their peltry trade as is indicated by *No.* 770, which was the outcome of Champigny's policy that the beaver should seek Canada, not Canadians the beaver, are shown by several documents. I shall refer later, when dealing with the West Indian Islands, to the English answers to French claims to Sta. Lucia, Tobago and Dominica.

The French and Hudson's Bay.

We have seen in the previous volume that the Hudson's Bay Company had been left "the only mourners by the Peace." No definite settlement was arrived at in 1700 by the Commissioners, who, according to the Treaty of Ryswick, were to be appointed to determine the rights of either side to places in the Bay. Certain suggestions were, however, thrown out and criticised, of which the historians of Hudson's Bay do not seem to be aware. In the first place, the French Ambassador came forward with a proposal that the French should keep Fort Bourbon (York Fort) and the English Fort Chichitouan (Fort Albany), or *vice versa*. In the first case, the Nova Scotia boundary should be the River St. George; in the second, the River Quinibiquy (368 i). Whatever the interest of the Hudson's Bay Company might be in such an exchange of forts, the Council of Trade at once rejoined that the English boundary in those parts

[1] Doyle mentions what he terms a somewhat improbable rumour that the French Admiral had been taking soundings in New York Harbour, but says he can find no confirmation of it. (*Middle Colonies, p.* 331, and *note.*)

extended to Ste. Croix, and that no question of any extent of territory, but only of places taken and re-taken in Hudson's Bay before and during the late war, was reserved by the treaty for settlement (368 II.). Bellomont, who sends some evidence that the River Ste. Croix was the true English boundary, was at pains to point out the importance of insisting upon this :—" 'Tis of the last consequence to England and these Plantations that the French be confined to the east side of the river Ste. Croix, for if they be admitted to extend their dominion to St. George's River, which has been industriously given out by them and those that are affected to their interest to be the boundary between us, then at once these Plantations are ruined, near 200 miles of coast will be lost from the Crown, and the fishery consequently with the country or coast. But besides all that, beyond Ste. Croix the country is desert, being sandy and very few timber trees, or trees for masts for ships, growing on it, whereas between the rivers of Ste. Croix and St. George the soil is rich and abounds with trees for masts and timber " (*p.* 237).

The Council of Trade supported this view (*p.* 565), and recommended it as a matter of great importance that His Majesty's title " to all that country and coast eastward as far as the River Sta. Croix be asserted and maintained," and that the French should be dispossessed of what they had already usurped. For the French pretended to extend their right as far as Kennebeck River, and the Jesuits had recently built a church upon its banks at Narigewack (*pp.* 414, 415, 563). At a special conference with the Board of Trade in June (538), the Hudson Bay Company, whose position was so parlous that they were unable to send a ship to the Bay at all this year (486), reiterated their claim to the whole Bay. If, however, that could not be maintained, they produced an alternative paper, offering

as the limits of concession the latitude of 53 degrees on the west side and Rupert's River on the east. The Lord President represented to them the improbability of the French Commissioners accepting these conditions. After further consultation with their General Court, they produced some slightly modified proposals (629). In this connection, as well as from the point of view of historical geography and the Indian question, Col. Romer's report upon the defences of the Five Rivers (St. George's, Piscataqua, Pemaquid, Kennebeck and Saco) is of interest (580 IX.).

Massachusett's Bay.

The Assembly called to meet at Boston in order to deal with the Indian troubles (*p.* xxx) sat for nine days and passed twelve Bills, mostly of a military character, "which was such despatch as was never known" (*p.* 179). A new Assembly was elected and met at the end of May (485). Bellomont found himself obliged to meet it without having received any instructions from home as to how to proceed in the case of the Bill for punishing pirates, which had miscarried in 1699, or with regard to the point as to nominating officers, over which he had been at issue with the Council (466, *p.* 266). In his Address, he recommended the settlement of the College by addressing the King for a Charter; the fortifying of the harbour; provision for ministers, and the encouragement of French Protestants and the suppression of Jesuits; and lastly, the management of the Eastern Indians. All these matters were taken in hand. A Bill for suppressing and punishing Popish Missionaries was at once brought in (485) and passed (561); an Address to the King for the settlement of the College "to be a nursery for supplying these Churches with able, learned Ministers" (641 III.) and to protest against the encroachments of the French, was prepared, and sent home with Bellomont's strong and broad-minded recommendation of it (*pp.* 415, 416). Mr. Increase Mather

was chosen President of Harvard College in July, residence at Cambridge being stipulated (633). The proposals of the Connecticot Commissioners for the settlement of the boundaries in dispute were rejected, and other proposals made to them, which were rejected in turn (526, 545, 576). An interesting ordinance to provide against "the fireing of houses by the throwing of squibs, serpents, rockets," etc., on Nov. 5 occurs (904). A case of trial for witchcraft is referred to (615); and in the Militia Roll (956 I.) an important quarry for genealogists is indicated. As an instance of "the miserable condition of the Province, should there happen a war," Bellomont mentions that there were not forty barrels of powder in the whole country (*p.* 95).

At home, several Acts were recommended for repeal, including that for the establishment of sea-ports (813, 824). The fish-trade of Boston and the industrial prospects of the province are discussed and described by the Governor (*pp.* 673 *ff*).

Lord Bellomont sailed from Boston on July 17, to take up his Government at New York (642).

New York.

I have already referred to several events of importance in connection with the history of New York. We have seen how Lord Bellomont came to New York in July, and only with difficulty obtained a Bill for building the fort at Onnondage, which he was far from regarding as satisfactory. He comments on the changed tone of the Assembly, and offers some explanation of it (*p.* 569). As to the Act itself he observes that "the treatment it deserves is to be rejected by the King with scorn." It was repealed when the Assembly met again in October. A land-tax for the full amount demanded was then passed, in lieu of the objectionable additional duty (851, *p.* 580). Besides the Bill for securing the Five Nations, several Bills were sent up by the Assembly in July, of which the Governor and Council

passed only two: an Act against Jesuits and Popish missionaries, and an Act appointing Commissioners to examine into the Public Accounts. Although, in July, the Governor was still quite in the dark as to instructions from home (*p.* 400), the Council of Trade had written to him in April in terms of general commendation, urging him also to procure the passing of the first and last of the Bills above mentioned. They expressed their approval of a new trade being established with the Western Indians, "provided it do not interfere with the planting of tobacco in Virginia and Maryland" (307). I have mentioned the opposition at home, which took the shape of memorials against the passing of several Acts, including that for a present to the Governor, and of attacks in the House of Commons (716).

Bellomont's enemies petitioned the House of Commons against his misgovernment, and the heads of charges formulated against him are given (125, 210, 667). His prolonged absence from New York, the reason of which we have seen in the previous volume, gave occasion for a petition from some New York merchants that the "Province of New York might be brought back to its former manner of administration, unconcerned with the government of any other place" (151 I.). For the sake of managing the Indians, if for nothing else, Bellomont replied, the union of the two Governments was a vital necessity (*pp.* 571, 582).

Fletcher's influence at home.

At home, Col. Fletcher had evidently made unto himself friends of the mammon of righteousness. The Bishop of London not only made a curiously accurate prophecy as to the coming termination of Bellomont's Government (*p.* 720), but also made an appeal on behalf of the disreputable Dellius (899). His intervention also led to a reconciliation between Lord Bellomont and the offending minister at New York (851).

The question of Governors' salaries.

His credit engaged to the hilt on behalf of the forces (14, 14 XVI., *p.* 628), and his salary grievously in arrears (474 I., 850 V., *pp.* 582, 583), Bellomont found himself reduced to great straits. Both as a way out of his own pecuniary embarrassment, and on principle, "for the King's honour and interest" in order to put an end to the whole bad system of underpaid Governors, who were "pensioners of the various Governments just as long as they please," he formulated his demands for a settled salary (474 I., 850 V., *pp.* 416, 417).

New York. Miscellaneous.

In criticising some of the Acts passed during the last few years, the Council of Trade found occasion to point the moral as to the evil effect of partisan and retrospective Acts (786 I.). Orders were also sent to the Lieutenant-Governor and Council to rectify their mistake in refusing an appeal to Alsop from Lord Bellomont's judgment, whilst the evil consequences likely to arise from such a precedent as the reversal of a judgment of one Governor in Council by his successor were pointed out (*pp.* 159, 161). A treasure-house of names is revealed in the Muster-Roll of Militia Officers (953 XIV.). The Governors of infant Colonies frequently demand trained and experienced lawyers from home for the conduct of affairs, and the planters and traders suffered alike from the inadequate education of local lawyers. In New York, Bellomont was handicapped, not only by the untrustworthiness of his officials, Collector, Naval Officer, Secretary (14 XVIII., 46 XXIII.), of all, in fact, save the Lieutenant-Governor, Nanfan (*p.* 417), but also by the wiles and ignorance of his Attorney-General. After being frequently hampered and misled by Mr. Graham, he declared him at length to be nothing less than a "rank knave," hand in glove with pirates, and capable of tampering with the Minutes of Council in their behalf (953 XXXV. *ff*). In response to his reiterated demands for an honest able Chief Justice

and Attorney-General, Mr. Attwood and Mr. Broughton had been appointed from home to those offices in New York (534). But they met "with some stop at the Treasury" (*p.* 528) and the end of the year found them still in London. Till their arrival, the Governor said, in proroguing the Assembly till April, he and the Council thought it not advisable to deal with the remainder of the Acts that had been sent up (901).

Penn in Pennsylvania.

"That ingenious person Mr. Penn" (*p.* 451), also mentions his need of "an ould, judicious Attorney" (*p.* 724). The "Courtly Quaker" arrived in Pennsylvania in Dec. 1699 (156, 189).[1] Macaulay's famous phrase,[2] it may be noted, was possibly suggested by Col. Quarry's thrust, "At the same time he is thus undermining, he treats me with all the show of friendship and kindness. I am not Courtier enough to pay him in his own coyne" (*p.* 65). Penn's first steps created a good impression even in so zealous a servant of the Crown as Col. Quarry (188, 189). The Lieut.-Governor, Markham, in spite of his defence, (176), was removed, and Lloyd, the obnoxious Attorney-General, dismissed. His prosecution was promised (366). Immediately after his arrival, Penn called an Assembly "to make two laws against the crying sins of piracy and forbidden trade (156)." For, whilst Penn and Quarry alike attest the admirable industry of the inhabitants (*pp.* 84, 107), the flourishing condition and the methods of illegal trade, and the share of the Scotch in it, are exposed in an enlightening letter from Col. Quarry (190). He also describes the methods of the "gang of ould pirates at Hore Kills" (300), whom Penn promised to root out (*p.* 209). Penn's activity, however, was soon curbed by the attitude of the Assembly. The

[1] "I cannot find any specific record of his arrival." Doyle, *Middle Colonies, p.* 532*n.*

[2] Macaulay, *Hist. of England*, ch. viii.

Quakers resented his campaign against piracy and illegal trade; "instead of a free and flowing regard," he found the people "soured and very cool" (*pp.* 210, 211). His own ardour was checked, when the Assembly tightened the purse strings (932 IX.). He failed to reconcile the Quakers to the Admiralty jurisdiction (932 I.), and the watchful Quarry presently reported that he was breaking his promise and invading it (*pp.* 651, 655). Penn himself, in representing the irritation of the people with the Admiralty Courts, remarks "More, not less, privileges seems the reason of such grants for planting these wildernesses" (April 28). And he applies for permission to be granted to the Quakers to register their ships without an oath (*p.* 86, *Nos.* 158, 158 III., IV.). In the midst of his troubles as a Proprietor, bound to the Assembly on the one hand and the King on the other, he evidently found some compensatory pleasure in being able to report how the Anglican minister at Philadelphia, who had preached so vehemently against the Quakers, had been discovered to be the receiver of pirates' gold, "the safest sanctuary Kidd's Doctor could find in these parts for his treasure" (1065).

Rye and Bedford.

During the government of Col. Fletcher the towns of Rye and Bedford, on the borderland, had revolted from the Province of New York to the Government of Connecticut, "to avoid paying taxes," as Lord Bellomont observed (*Cal.* 1699, *p.* 212). The right or wrong of the affair hinged upon a dispute as to the boundary between the two provinces, and was decided by an Order in Council confirming the agreement which had been arrived at in 1683 (220, 268).

Dispute as to the Narraganset Country.

Nor was this the only boundary dispute in which Connecticut was engaged. The Narraganset Country was claimed both by this Government and by that of Rhode Island (1001, 1018). Whilst their claims were

being laid before the Council of Trade, the Government of Rhode Island, by some very arbitrary and irregular proceedings, endeavoured to enforce their right to tax the inhabitants of the district in dispute. This action so exasperated those concerned that it seemed likely to result in bloodshed (*pp.* 13, 363, *Nos.* 580 XVI.-XIX.).

Connecticut and the Right of Appeal.

Upon complaints received in the previous year, orders had been dispatched to the Governor of Connecticut as to the admission of appeals to the King in Council (*see Cal.* 1699). The renewed petitions of Edward Palms (385) and the Hallams (974 I.) show that these orders were disregarded, and that affidavits on the subject were not being admitted by those in authority. Some thirteen months after it was written, a letter arrived from the Governor and Company of Connecticut, in which they plainly show their intention not to allow appeals to the King, pleading that the distance was ruinous, as their Charter suggested, and insisting on their right to determine all causes finally in the Courts of the Colony (1002 I.).

Rhode Island.

The misdemeanours of Rhode Island had engaged the attention of Lord Bellomont in the preceding year. Now, early in April, the Council of Trade presented his report to the King, and recommended the "consideration of what method may be most proper for bringing the said Colony under a better form of government" (291). With this object in view, the report was referred to the chief Law Officers of the Crown (309). Meantime the irregularities of that Government were continued (14, 14 IV.-IX.), and the transcript of their laws, when at length it was produced, seemed to show clearly enough that those in authority there were neither capable nor worthy (*pp.* 13, 15, *No.* 433).

New Jersey. The Port of Perth Amboy.

After many preliminary steps, which have been traced in the preceding volume of this Calendar, it was decided that not only the legality of the seizure of the *Hester* should be tried in the case of Basse *v.* Bellomont, but also that this civil action should be made a test case to determine both the claim to a free Port at Perth Amboy, upon which the Proprietors of East Jersey still insisted (34), and their title to that Government (369). Whilst Basse petitioned the House of Commons (113), the evidence of Sir Edmund Andros was, on the other hand, obtained to the effect that New York enjoyed the privilege of being the sole port on the Hudson River (143, 150). The Court of King's Bench decided in favour of Basse (*p.* 576), and thus the Proprietors gained the freedom of the Port and the commercial independence, which, rather than the right of government, was always their chief concern. The argument turned upon the question, whether East Jersey was a distinct Government, independent of New York (425). Basse was awarded damages largely in excess of the losses he had sustained through the seizure of his ship, much to the disgust of Lord Bellomont, who describes him as "a known profligate fellow, and remarkable for lying" (*p.* 693). It is evident (72) that the Council of Trade had expected that the Proprietors would fail to prove their title, and that the Government of New Jersey would be at length resumed by the Crown. This, indeed, was the course recommended by Governor Basse himself, who appears as the mouth-piece of the anti-proprietary party, in view of the state of anarchy into which the Province had fallen, thanks to the "oppression and unsupportable partiality of the Quakers" (70, 70 II., III., 670), and the Scotch partisans of Col. Hamilton, with whom, and the large land-owners, the Proprietors were mainly identified. Vivid accounts are given (670 I., II.) of the riots which arose

Party Warfare.

from an endeavour on the part of Lewis Morris, whom Col. Hamilton had placed upon his Council as the one man able to make the Province submit to him, to assert Col. Hamilton's authority. He ordered the Sheriff to make some arrests, but the neighbours, "banged him, broke his head and sent him packing." Thereupon Col. Hamilton rode into Middleton with a party of armed men, and a serious collision was with difficulty avoided.

The Proprietors propose to surrender their Government.

The year closes with a petition from some of the inhabitants of East New Jersey against the Proprietors. Their enforcement of their claim to quit-rents upon lands purchased by the settlers from the "native pagans," whose rights they ignored, their appointment of Scotsmen to office, and their supercession of Basse, the petitioners could not away with (908 1.). The Proprietors defended themselves at length in a document which is of the first importance for the history of New Jersey in the years following the Revolution (985). They characterise the petition as the grievance of a few factious and mutinous people, who wished not only to deprive the Proprietors of their right to the soil, "but also to strip His Majesty of his legal rights to that and other Plantations, and to render them independent of the Crown," in confirmation of the opinion, lately broached by some Planters, that "the King's right to the American countrys discover'd by English subjects was only notional and arbitrary, and that the Indian natives are the absolute independent owners and have the sole disposal of them" (*p.* 725). After dealing with other complaints and reviewing their procedure since the Revolution, the Proprietors explain their action in appointing Col. Hamilton, appointing Mr. Basse in his stead, under the misapprehension that the Act for preventing frauds, etc., disabled Scotchmen from holding office as Governors, and then re-appointing

Hamilton, when Basse had left his Government. The petitioners, they explained, "entertaining a belief that if the Government be taken from the Proprietors, then interest in the soil and quit-rents must fall with it, laid hold of the want of the King's actual approbation of Col. Hamilton, opposed him with arms, and now arraign the Proprietors for neglecting to provide for the Government, which themselves have rejected." They conclude by announcing that they and the Proprietors of West New Jersey had already determined to surrender the Government of both the Provinces to His Majesty under certain conditions, and this course was now rendered necessary for the preservation of their civil rights, in view of the attitude of these settlers.

Arrival of French Protestant Refugees in Virginia.

The history of Virginia, as told in these documents, furnishes us with two of the most striking incidents of the year. We have seen how Governor Nicholson, taking his place on the quarter deck, had led H.M.S. *Shoreham* to victory against a pirate (*p.* xi., *No.* 523). We next see him receiving at James Town a band of later Pilgrims, a ship-load of French Protestant Refugees, who, under the leadership of M. de Sailly and the Marquis de la Muce, had arrived, after a voyage of considerable hardship (739 v.) in James River in July (*p.* 449). They had sailed under the King's auspices. Special allowances of money and bibles had been made to them out of the money collected in England on behalf of the "Vaudois, French and other Protestant Refugees," and orders had been sent to the Governor to give them all possible encouragement, and to grant them lands in Norfolk County (199-201, 225 i.). The Proprietorship of this county was claimed by Daniel Coxe, who, having abandoned his scheme for settling "Carolana or Florida" (18), had made some bargain with the Refugees as to a tract of land there (18, 132,

146 I., *p.* 497). They were kindly received in Virginia, and the people, pitying their destitute condition, subscribed handsomely towards their support. It was decided, however, not to settle them in Norfolk County, "because 'tis esteemed an unhealthful place, and no vacant land except some that is in dispute betwixt us and N. Carolina." They were settled therefore at Mannikin Town (681), and found themselves "in a fine and beautiful country," about twenty miles above the Falls of James River (739 v.). Fresh arrivals in October appear to have been less welcome. Without capital to tide them over the winter and until they could reap the fruits of their labour by the next crop, they must perish or exist upon the charity of the people (876, 1048). The Assembly showed themselves somewhat grudging in their charity, and, pleading the poverty of the country, prayed His Excellency to represent to His Majesty that no more Refugees should be sent (*p.* 763, *No.* 1055).

In connection with this subject of the French Protestant Refugees, *pp.* 500, 540, give some curious details of the establishment of a new trade by them in England with the Colonies, and of the desperate endeavours of the French manufacturers to stop it, not only by means of interloping trade, but also by kidnapping the Protestant offenders in England.

Irregular attendance of Councillors and Assemblymen.

In Virginia, as elsewhere, the Governor complains of the difficulty, natural in young countries which have not developed a leisured class, of obtaining a quorum for his Council (681, etc.), and frequent instances occur in these pages of the adjournment of Assemblies through an insufficient attendance of Members. Time, distance, harvests, floods, or rivers blocked by ice often contributed to prevent their presence (666, 739, 752, 809, *pp.* 463, 580, etc.).

A new Assembly meets at the College of William and Mary.

After being several times prorogued, the Assembly of Virginia, sparsely attended, met in October and was dissolved. Writs for a new Assembly were issued. It met on Dec. 5 at the College of William and Mary, since the Capitol was not yet ready, and was presented with "a mace and gown for Mr. Speaker" by the Governor (290, 359, 681 VIII., 876, 979).

The building of the Capitol.

To hasten the building of the Capitol a Proclamation had been issued in July, inviting all persons that were willing to come and work "either in ye quality of an undertaker, overseer, or workman" (632). From 523 LI., we learn that the proprietors were awarded 20*s.* an acre for the land at Middle Plantation taken up for the Capitol and City of Williamsburgh. The Council of Trade had urged Col. Nicholson to use his utmost endeavours to procure the building of a suitable house for the Governor (*p.* 4). But it was only after some demur that the Assembly consented to pay for the expenses in connection with the Governor's gallant capture of pirates, which they considered "not a country charge" (1049, 1056). And as to the charge for building a Governor's house, as well as for building the Capitol and other extraordinary charges, they suggested, in an Address to the King, the desirability of a raid upon the Quit-rent Fund (*p.* 768). The Colony, they represented, was "in very low and needy circumstances," for not only had they been involved in many heavy expenses, but also, we may gather from Governor Nicholson's report, they had had an unseasonable year (739). In April, too, there had been a great plague of caterpillars (290), for deliverance from which a solemn day of humiliation and prayer had been appointed.

Caterpillars in Virginia and Bermuda.

The presence of this plague lends point to the description of Mr. Burton, of Bermuda (303), as the "pest and caterpillar of these Islands." However, by June Nicholson was able to report that it "hath

pleased God they have not done very much damage, therefore to Him be the glory" (*p.* 309). In spite of these circumstances the price of negroes rose to a record figure (*p.* 452). At the same time the Governor reported that all was in peace and quietness, and that no murders had been committed by the Indians "either at the head of James River or Potomack, which they commonly perpetrated either in the spring or fall, if not in both" (*p.* 309). A Treaty, which the Pamunkey and other Indians had been preparing to enter into with the Tawittaways and others, without the knowledge of the Government of Virginia, was put a stop to in February (*p.* 80). But, a few days after the Governor had written in that optimistic vein, a horrible murder by some Indians on the Potomack frontier electrified the Province (*p.* 385). The Rangers were called out to prevent a complete desertion of the frontier upon the alarm caused by this atrocity, "the horriblest yt ever was in Stafford." A vivid account of the murder is given (*pp.* 453 *ff.*). The Governors of Maryland and Virginia acted in concert in their efforts to punish the perpetrators of this outrage, in which the Emperor of Piscattaway did not escape some suspicion of complicity (632, 681 II., *p.* 396).

Dispute between Virginia and North Carolina.

The boundaries in dispute between Virginia and North Carolina remained unsettled. The inconveniences arising from this state of affairs are well exemplified by the case quoted by Governor Walker (523 LIII.). Some friction, too, was caused. Virginia had a grievance against North Carolina as to their alleged harbouring of runaway negroes. The excellent laws quoted by Governor Walker, Nicholson drily observes, will not signify unless vigorously put in execution (*p.* 323).

South Carolina.

So far as South Carolina is concerned our documents give us little information. The case of the *Cole and*

Bean, in which appeal had been wrongly refused (32, 574), came under consideration, and Edward Randolph's report upon that case is instructive (476). The Acts of Trade were largely used by less scrupulous Governors as a means of extortion. They seized vessels, rightly or wrongly, and were ready to let them go again upon receipt of a present from the owners. Of such a sort, according to Randolph's report, was Deputy Governor Blake. He explains how he "drives a fine trade by seizing and condemning vessels" (476). The inhabitants, Randolph says, were industrious, and the country thriving, but uneasiness was felt at the neighbourhood of the Spaniards at Havannah, since the Proprietors took no steps to defend the Province, or to provide it with good government. Both the rice and the silk trade were growing, "and everybody has planted mulberry trees to feed their worms" (475).

Maryland. The Act for Religion.

The Act "for the Service of Almighty God, and the establishment of the Protestant Religion," several times repealed and re-enacted, was the central feature of Maryland politics at this time. Papists and Quakers joined hands to protest against this Protestant measure, which, besides being open to the objection that a clause had been tacked onto it wholly alien from the matter of the Bill, proposed to tax Quakers, Papists and all for the maintenance of Ministers of the Church of England. The opponents of the Act also detected infringements of their freedom of conscience, either intentional or latent in the Bill (*p.* 384). The Assembly, summoned to meet in April, at a time convenient to the Planters of Tobacco, were informed of the rejection of the Act, for the reasons of which Governor Nicholson had warned them (361). There were, however, other objections, as the Council of Trade had informed Governor Blakiston (*p.* 11), though he chose to ignore them in

addressing the Assembly (361). The repeal of the law was regarded as a triumph by the Quakers. The Assembly made haste to bring in a new Bill for the establishment of the Anglican Religion, "leaving out those clauses which pointed the reason of its being made null" (479). It was sent home under the care of Dr. Bray, the admirable Commissary of the Bishop of London (417). Protest was at once entered by the Quakers, whose opposition will develope in the coming year (747). The supporters of the Bill on the other hand, retorted that, so far from being, as its Quaker opponents represented themselves, Ancient and Considerable Seaters, they and the Papists together did not amount to one-twelfth part of the Province, whilst the Quakers, "when they first came in, were ordered to be whipped out of the Government" (*pp.* 384, 395, *Nos.* 617 II., IV.).

Indian Outrages.

The Emperor of Piscattaway, after denying responsibility for several murders and outrages lately committed, promised to come and settle at Pamunkey, and to induce the rest of his Indians to do likewise. The articles of peace, signed on this occasion (297 I.), are of interest as showing the attempts made to guard against such frontier atrocities as that referred to above (*p.* lii.).

The boundaries between Maryland and Pennsylvania were the subject of some correspondence with Lord Baltimore, but nothing definite was done.

Barbados. An Epidemic.

The seventeenth century poets, such as Marvell and Waller, were wont to describe the West Indian Islands as primitive Paradises, where—

> "So sweet the air, so moderate the clime,
> None sickly lives, or dies before his time."

That is more nearly true of Barbados to-day, perhaps, but the bald fact of history is that among the early settlers the death-rate was terribly high.

A severe epidemic raged here in the early months of 1700, and the recent great mortality among the negroes had resulted in much land going out of cultivation and in a declining trade (981). Some of the preventable causes of the epidemic are outlined in a significant paper (391). In May a General Fast was proclaimed, to avert "the great sickness now amongst the people" (461). Some of the sanitary measures recommended in the above-mentioned paper were adopted, and in September the Governor was able to give the island a clean bill of health (624, 797), whilst at Boston the regulations, prohibiting vessels arriving from Barbados to come into that harbour, were removed (763). Two other matters chiefly continued to trouble the Barbadians—the administration of Justice, and the disposal of the $4\frac{1}{2}$ per cent. (66, 981).

Complaints of tardy Justice in Barbados.

The rough and ready methods of the early settlers, for whom speedy injustice was better than tardy justice, had given way to a state of affairs in which the Law's delays had become intolerable to the litigants and damaging to the credit of the country (*No.* 751). A class of amateur lawyers, "ordinary unlearned men," not trained in the Inns of Court (799, *cf. Calendar* 1699, *No.* 134), or "small dealers in the law" (751) had sprung up, ready to take advantage of those who knew even less of law than themselves, or who had lost their title deeds through such usual misfortunes as "hurricanes, cockroaches and other accidents" (779, *cf. p.* 417). Justice, it began to be complained, was corrupt and exceedingly slow. The merchants of England, it was stated, found better and more speedy justice in the most distant Provinces of the Ottoman Dominions than in some of the American Colonies (*p.* 512). The frequent adjournment of the Courts may have been due to the prevailing sickness, but it certainly constituted a serious grievance among

the litigants. In response to the complaints of the Royal African Company, letters were written to the Governors of Jamaica and the Leeward Islands as well as of Barbados, requiring them to take care that the Courts of Justice should be duly and frequently held (280 i.). Complaints, however, continued to come in as to the administration of Barbados. Hundreds of causes, it was affirmed, of many years standing, were left undecided owing to the frequent adjournments of the Court of Chancery. Orders in Council were issued in December directing the Governor to see to it that the Court of Chancery sat "according to ancient usage for the dispatch of business" (975, 1030). The Council of Trade had already requisitioned from the Governor a return of the Courts held since his arrival in the Island (843 i.). We shall see the matter develope in the succeeding volume. Meantime a reasonable dissatisfaction with arbitrary commitments to prison and prolonged confinements there, without the admission of bail or writ of *Habeas Corpus* (960), had found expression in the law, passed in 1697, "for the better securing the liberty of H.M. subjects," which now came up for consideration. The necessity for it was defended by the recital of arbitrary and oppressive procedure on the part of former Governors (1005).

When the Assembly met on May 14 (530), they refused to pay any attention to the question of defence or the business of supply, recommended to them by the Governor, until they had decided their controverted elections, showing themselves jealous of the interference of the Council with their privileges in that quarter (437, *cf. Calendar* 1698, *No.* 480). Their relations with the Governor were, however, amicable (910), and had issue in a vote for a levy to defray the debts of the country accumulated during the war (66). But the immediate defence of the Island was not taken in hand; the

$4\frac{1}{2}$ per cent., it was once more urged, was needed for this purpose (981), and should be applied to the uses for which it had been originally intended (391). The reports of the Engineer, Talbot Edwards, upon the defences of the Island, are given (928, 941 i.). The $4\frac{1}{2}$ per cent.

Governor Grey was corrected on two points by the Council of Trade and Plantations. On the one hand he had misinterpreted his Instructions, and held himself empowered to appoint Members of Council (49, 348, 788, 843); on the other, acting in accordance with the advice of the Attorney General of the Island, he had not only refused to allow Alexander Skene, as a Scotchman, to take office as Secretary (162, 163), but had also put all Scotchmen out of the Commission of Peace (215, 245). The Law Officers of the Crown having given their opinion (428) that a Scotchman was a native-born subject of the King within the meaning of the Act for preventing frauds, etc., directions were given for reinstating them (517, etc.).

In accordance with the Instructions sent to him in the previous year (*see Calendar* 1699), Governor Grey wrote from Barbados to the Marquis D'Amblimont, asserting the English title to Sta. Lucia, and calling upon him to withdraw the French settlers who had recently established themselves upon that Island (661.). The French Governor replied, with the indignant heat which regards not grammar or punctuation (696 i.), that he would maintain them against all who should undertake to trouble them. The French Ambassador, too, asserted the claim of France to Sta. Lucia, declaring that France had been in possession of the Island for several years, and that it had never been laid claim to in any Treaty or by any foreign power (840 i.). A few months previously, in protesting against a settlement, which, it was apprehended at Martinique, an expedition from French claims to Sta. Lucia Dominica, and Tobago.

Barbados intended to make upon Dominica, he had argued that Dominica and Sta. Lucia "were assigned by former treaties between France and England solely for the occupation of the Aboriginals" (37 I.). In reply the Council of Trade give the history of the English discovery and occupation of Sta. Lucia, "from which it is evident that His Majesty has an entire right of sovereignty by all the grounds and titles whereby property can be either acquired or preserved" (873 I.).

Dominica. As to the supposed expedition to Dominica, it was merely a voyage to fetch timber, "there being always a trade and correspondence between the people of Barbados and the Indians of Dominica" (*p.* 155),[1] but the English right to that Island also was held to be no less capable of proof (304, 536, 538), the grounds for which are given (*pp.* 333-336).

Tobago. The French claim to Tobago, advanced in 1699, is fully answered (9). In accordance with that Representation, the Earl of Jersey was directed to reply to the French Ambassador insisting upon the sole right of England to the Island, whilst the Governor of Barbados was ordered to prevent any settlement whatever from being made there (10). Similarly, when an English Company proposed to take up a concession of 50,000 acres from the Duke of Courland, and to establish a new Colony upon Tobago (141, 232), the Duke's title was shewn to be void and no settlement desirable (264).

Jamaica. The great mortality which afflicted Jamaica reached its height in the early part of this year (*p.* 18, *No.* 71 A), and in conjunction with other discouraging circumstances led Sir William Beeston to despair of bringing the country to anything "but the residence of a few merchants on Port Royal to sell negroes to the

[1] During this period "little or nothing is on record relating to Dominica." Lucas, *West Indies*, *p.* 151.

Spaniards" (*p.* 20). He again made application to be relieved of his Government. The Acts of Navigation pressed hardly, "we have nothing but from England, and they do not supply us" (15); the interpretation of them was uncertain (815); the supply of negroes was unsatisfactory (*p.* 19); and the friction between the Governor and Rear-Admiral Benbow over the question of authority and the matter of pressing was not lessened by the Admiral's bluff declaration that "he wanted men, and come from the North or South he would have them" (*p.* 19). Meantime the Admiralty supported the conduct of Capt. Mitchell, in taking down the colours of a ship commissioned by Lord Bellomont (*see Calendar* 1699, *Nos.* 890, 890 xv.), explaining that his Instructions and the Custom of the Sea obliged him to insist that none but H.M. ships of war must wear the King's colours (91 ii.).

From April onwards, however, the Governor's anxiety was lightened, for he was able to report that the Island was in perfect health, and, now that the obnoxious ships of war were gone, in peace and amity (346, 685, 815, 927). In a return (*No.* 347) he estimates the annual export from Jamaica to England at over half a million; a complete muster-roll is indicated (816 II.), which constitutes a veritable treasury of names of early settlers.

The Spaniards continued to seize English vessels, especially, with an eye upon Darien, those that endeavoured to sail the Caribbean Sea (318). They treated their prisoners with the roughest kind of justice, so that the temper of the colonists began to rise, and reprisals seemed inevitable (*p.* 20, *Nos.* 815, 927).

The grievances of the Jews of Jamaica, over-taxation and the being obliged to bear arms upon their Sabbath, had been the subject of some correspondence (19 I.). The reply of the Governor and

Council (386 III.) seems to reveal the cloven hoof of commercial jealousy in the Assemblymen, and a tendency to retaliate by over-taxing the more thrifty race, whilst the grievance as to the Sabbath was shewn not to be all on one side. Meanwhile Government House was enlarged and Fort Charles was finished, the latter being pronounced by Sir William to be "not only very useful, but very beautiful also" (*p.* 50). Capt. Lilly, the Engineer, however, whose report upon the defences and requirements of Jamaica is given (565), did not think so highly of it, and he thought very little indeed of the other defences; unless the proper steps were taken, the Island, he prophecied, would be carried by the first enemy that attacked it (*p.* 350).

The Act passed in the previous year to oblige Patentees of Offices to reside in the Island was unfortunately found to clash with the Royal prerogative and was therefore repealed (372, 382, 815).

Leeward Islands.

A somewhat curious situation had arisen in the Leeward Islands. Governor Codrington had received his Commission in May of the previous year. But he did not leave England till August, 1700 (720), for he refused to depart before he had extracted from a reluctant Treasury the four years' salary due to his father (174). Meantime the administration had devolved, and was intended to devolve (*see Calendar* 1699, *No.* 1080) upon the President and Council of Nevis. Col. Fox, however, construed his Commission to be Lieut.-General as conferring upon him the duties of Lieutenant-Governor in the absence of the Governor (373). To this opinion he clung, in spite of the correction of the Council of Trade, and contrary to the example of Cleon, *οὐκ ἔφη ἐκείνους ἀλλ' αὐτὸς ἄρχειν.* The Council of Trade was a little disconcerted by the opinion of the Attorney and Solicitor General to the effect that Col. Fox was justified

in his view, and might, upon arriving before Col. Codrington, by virtue of his Commission, "dispossess the President and Council, and assume to himself that Government" (705). The Law Officers were invited to reconsider that decision (968), and then agreed that the authority of Col. Fox seemed doubtful (969). Doubt as to his authority involved doubt as to the validity of the Acts passed by him. An Order was therefore given that all such Acts should again be laid before the respective Assemblies by Gov. Codrington (972).

Meantime Col. Fox had executed his functions well enough. The Assembly of St. Kitt's, indeed, viewed "with unspeakable concern" his establishment of Courts of Exchequer and Escheat for dealing with the lands forfeited by the Irish rebels (848, *p.* 603). Their protest provoked a reply more sarcastic than conciliatory from him (848 v.). He found the Assemblies of the Islands positively refusing to quarter the soldiers of his Regiment, unless they worked in the fields with the negroes, a policy in which they persisted until he forced their hands by not passing Acts, which were for their advantage, "till they had given the soldiers house-room and done everything that was for H.M. service" (16, 373).

St. Kitts and Lt.-Gov. Norton.

From St. Kitts complaints reached home of the callous extortion and arbitrary procedure of the Lieutenant-Governor, James Norton. He openly declared, so it was alleged, that he would govern the people by his sword and cane, and he put his profession into practice by throwing the Speaker into gaol and roundly abusing and suddenly dissolving the Assembly, when they refused to support him. Directions were given by the Lords Justices in Council, whilst the King was abroad in September, for the appointment of a Commission to enquire into the truth of these allegations (773).

Bermuda. In Bermuda, as elsewhere, the poetical view proves to be in direct contradiction to the prosaic facts. "Such," says the poet[1],

> "Such is the mould, that the blest tenant feeds
> On precious fruits, and pays his rent in weeds."

But in fact, although the population of Bermuda had increased (588), ants and hurricanes had so devastated the crops of oranges and Indian corn that the Island had ceased to be self-supporting (588, 936). More than elsewhere, too, the inhabitants had reason to be "greatly discouraged by the severities and most unjust proceedings of their Governors" (*p.* 658). Governor Day carried it with a high hand and a bullying manner to the end (154, 587), treating the King's orders with the scantiest respect (736). Strong language and threats to pull a member of the Council by the nose were his usual, and indeed his mildest arguments (587 III., 637). His theory of government was, apparently, that "the law was in his head and he would do as he thought fit" (71 III.). In spite of his interest at home, upon which he relied, no real answer could be brought to the charges formulated against him (23, 67, 71). In the light of further evidence the Council of Trade summarised his offences and recommended his recall (165, 411, 737). In May, upon his father's petition, Day was recalled to answer the charges brought against him (733); and in the following month Capt. Bennett was appointed Governor in his stead (585). Edward Randolph, whom Day had at length been obliged to set at liberty in January (61), had lost no time in performing the congenial task of revealing the error of his ways (147, 154).

Randolph saw clearly enough the importance of Bermuda, which he describes as the key to all the other Plantations (*p.* 82). In *No.* 936 we have his report

[1] Waller: *Battle of the Summer's Islands.*

upon the defences, the government, and the economic condition of the "Summer Islands." His proposals for the redress of their grievances are sound enough, but perhaps he hits the nail most truly on the head when he recommends "as the best and only means for preventing the succeeding Governors from oppressing the inhabitants by arbitrary practices, as has been formerly done in those islands to raise a maintenance, that the Governor have an allowance not less than 500*l.* a year, provisions and all necessaries being very scarce and dear." So, too, Bellomont observes (*p.* 417), "Few men are honest out of pure principle; 'tis best therefore that Governors of Plantations have competent salaries and certain; that they may find their account in being honest." Governors' Salaries.

In April Capt. Haskett was appointed Governor of the Bahamas (308). He applied for the King's approbation. He had given to the Proprietors, when they appointed him, a bond which they considered sufficient (367). The Council of Trade, however, (374) insisted that the Proprietors themselves should give security for their Deputy-Governor (356), in conformity with the Address of the House of Lords in 1697 (*Calendar* 1697, *No.* 820). The Lords Proprietors rejoined that the late Act had placed the approbation of their Governors in His Majesty, and it could not be expected that they should give security for them. There was no Act of Parliament that required it (426, 463). In this view they were supported by the opinion of the Attorney General, when the case was submitted to him (566). Capt. Haskett was accordingly approved (597). The state of the Government to which he succeeded is vividly described in Edward Randolph's report (211, 250). Weary of the arbitrary government of such piratical rogues as Trott and his disciples Webb and Elding, who Bahamas.

were backed by a Council largely composed of old pirates, and still more disgusted with the indifference to their interests shown by the Proprietors, who not only neglected to provide New Providence with adequate defences, but also disposed of their privileges for a mere song, as in the case of the sale of Hog Island, the inhabitants, Randolph represents, were ready to cast off all government, or to leave the place, or to submit to any foreign Power, such as the Spaniards, who were willing to protect them. Meantime Read Elding, who held his Governorship by irregular procedure on the part of the "eloping" Webb, and had been concerned in the very doubtful business of the seizure of a Boston vessel (211, *Cal.* 1699, 82 i., etc.), was busy caning and imprisoning a Lords' Deputy (*p.* 136), and falling foul of the Chief Justice, whom he accuses of picking his jury, supplying them with drink (451 i.), and clearing a vessel contrary to their verdict.

Newfoundland.

In answer to the enquiries of the Board of Trade (198), which were this year cast in a slightly different mould, the Commodore of the Fleet at Newfoundland replies in detail (774 i.), giving an account of the progress and conduct of the French as well as of the English Fishery and Fortifications there. Some of his replies contradict his own statements in his letter (774). The Island continued to flourish as a depot for illegal trade between Europe and New England. Supplies for the long-suffering garrison were at length ordered to be dispatched (54, 55, 102 i.), as well as men and materials for building new barracks and erecting fortifications at St. John's. Some light is thrown upon the morals and manners of the Army in those parts by the case of Lt. Lilburne, whose quarrelsome and intemperate Irish fellow officers fell foul of a comrade who refused to "sot and drink" with them, and whom they held to be mean, cowardly

and avaricious, engaging in a forced trade with the soldiers under his command, and blackmailing the inhabitants (742).

Miscellaneous.

The spelling of words in these documents, often erratic, is occasionally of some significance as indicating that the pronunciation of names and places was the same in 1701 as in 1909, and equally distant from the accepted form of spelling. Thus, in America, the "Mohegans" are thus written, and "Conetticot" by William Penn (158), spellings that represent modern pronunciation; whilst, in England, "Woolidge" (*p.* 566), "Margitt," "Bus'ness," and "Wensday" point to a similar divergence between eighteenth-, as of twentieth-century, orthography and speech. "Evance" reflects the hard Welsh sibilant. The "Jarzies" are frequently so spelt, especially by Lord Bellomont, with whom "marchands" may show his French training, and "carthrage" betray his Irish birthright (*p.* 577). The latter form, however, is given in the Oxford English Dictionary. "Batoes" slightly disguises the Canadian canoe or "bateau" still familiar on the rivers of British Guiana.

The surrender by the Indians of their title to Sta. Lucia is said to have been conducted "by a solemn manner of turf and twig." The seventeenth-century style of conceit survives not only in the phrase of the Minister of Woodstock I have quoted above, but also in Mr. Moore's hope that "your Lordships will give *graines* for my defects, which the proceedings will *grossly* discover" (932 VII.).

CECIL HEADLAM.

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Since the documents transcribed in this volume were calendared and printed, the Colonial Office Records, preserved at the Public Record Office, have been re-arranged. They are now catalogued under a new system of references. The following key gives the new titles by which the volumes of documents referred to in this Calendar may be identified :—

Board of Trade,	Barbados,	8	..	..	*C.O.*	28/4.
,,	,,	45	..	..	,,	29/7.
,,	,,	65	..	..	,,	31/5.
,,	,,	66	..	..	,,	31/6.
,,	Bermuda,	4	..	..	,,	37/3.
,,	,,	29	..	..	,,	38/4.
,,	,,	30	..	..	,,	38/5.
,,	Hudson's Bay,	2	..		,,	134/2.
,,	,,	3	..		,,	135/3.
,,	Jamaica,	9	..	..	..	137/5.
,,	,,	57	..	..	,,	138/10.
,,	Leeward Islands,	6			,,	152/3.
,,	,,	7			,,	152/4.
,,	,,	46			,,	153/2.
,,	Maryland,	4	..	..	,,	5/715.
,,	,,	9	..	..	,,	5/725.
,,	,,	10	..	..	,,	5/726.
,,	,,	13	..	..	,,	5/741.
,,	,,	14	..	..	,,	5/742.
,,	,,	15	..	..	,,	5/743.
,,	Massachusetts Bay,	2			,,	5/788.
,,	,,	47			,,	5/771.
,,	Newfoundland,	4	..		,,	194/2.
,,	,,	25	..		,,	195/2.
,,	New England,	10	..		,,	5/861.
,,	,,	11	..		,,	5/862.
,,	,,	37	..		,,	5/908.
,,	,,	38	..		,,	5/909.
,,	,,	49	..		,,	5/787.
,,	New York,	9	..	..	,,	5/1043.
,,	,,	10	..	..	,,	5/1044.
,,	,,	11	..	..	,,	5/1045.
,,	,,	44A	..	..	,,	5/1079.
,,	,,	45	..	..	,,	5/1133.
,,	,,	54	..	..	,,	5/1117.
,,	,,	55	..	..	,,	5/1118.
,,	,,	72	..	..	,,	5/1184.
,,	Proprieties,	4	..	..	,,	5/1259.
,,		5	..	..	,,	5/1260.
,,	,,	26	..	..	,,	5/1288.
,,	,,	27	..	..	,,	5/1289.

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Board of Trade, Virginia,		8	.. ..	*C.O.*	5/1311.
,,	,,	9	.. ..	,,	5/1312.
,,	,,	37	.. ..	,,	5/1359.
,,	,,	38	.. ..	,,	5/1360.
,,	,,	52	.. ..	,,	5/1411.
,,	,,	53	.. ..	,,	5/1410.
,,	,,	54	.. ..	,,	5/1408.
,,	,,	55	.. ..	,,	5/1409.
Colonial Office Transmissions, Berbice, 457				,,	116/19.
America and West Indies, Bahamas, 452				,,	23/12.
,,	,,	Barbadoes, 456		,,	28/37.
,,	,,	Bermuda, 477		,,	37/25.
,,	,,	Canada, 485		,,	42/13.
,,	,,	Jamaica, 540		,,	137/44.
,,	,,	Leeward Islands, 551		,,	152/39.
,,	,,	New Hampshire, 572		,,	5/931.
,,	,,	New Jersey, 575		,,	5/980.
,,	,,	New York, 580		,,	5/1083.
,,	,,	South Carolina, 620		,,	5/382.
,,	,,	Tobago, 633		,,	285/2.
,,	,,	Virginia, 638A		,,	5/1339.

COLONIAL PAPERS.

1700.

Jan. 2 (*N.S.*). Middelburg. 1. Samuel Beeckman to the Directors of the Dutch West India Company at the Chamber of Zealand. Worshipful Gentlemen, After closing our principal letter, we are obliged with great emotion to inform you that it has pleased God to visit us with the disease called pressing or bloody flux. It seems that it has increased with the coming of the newly-arrived negroes, and that we may not be entirely deprived of serviceable Europeans we earnestly beg you to increase the number we have asked for and also to take care in selecting them. In case you decide to grant our proposal concerning Capt. Nicolaus Evertse, we think it will be of great advantage for the Company and for their servants in the matter of provisions, since he offers as a present 25 head of cattle yearly in exchange for kiltum, syrup, meraan, etc. We believe in this way our requirements will be diminished in such a way as to please your worships, especially if your Plantations are strengthened each to the number of 100 slaves, in which case each may be expected to yield 3 to 400 hhds. of sugar. The ship, which we sent to Waÿne, Nov. 11 (*N.S.*) to fish and trade for provisions, arrived here Dec. 29 (*N.S.*) with a particularly bad catch and without having done any trade. Her skipper and crew report her to be in a bad plight.

Gilles Elias, late sergeant in Berbice, is returning by this conveyance at his own request. *Signed*, Samuel Beeckman. *Inscribed*, Read March 12 (*N.S*), 1700. *Dutch. The style is very obscure. 2 pp.* [*Colonial Office Transmissions.* 457. No. 1.]

Jan. 2. Whitehall. 2. Journal of Council of Trade and Plantations. Dr. Cox presented an Order of Council, Dec. 21, 1699, relating to Carolana Florida, which was read. He said that, upon consideration of the inconvenieneies that may attend a settlement of a Colony in that country by entering thereinto through the Bay of Mexico, he was willing at present to lay aside the thought thereof, and only now begged their Lordships' favour in representing to His Majesty that he may have a grant of some land at the head of Moriseo River in Virginia, and under that Government, for the convenieney of several persons that had been desirous to settle in Carolana Florida, promising to lay before their Lordships a memorial to that purpose.

The Secretary announced that the late letters from the Board to Col. Fox having been returned from Portsmouth, he had sent one of them to Plymouth in case the *Shoreham*, in which Col. Fox had embarked, should put in there.

Memorial from Col. Pointz, Dec. 6, about Tobago, laid before the Board.

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Memorial from the Agents of Barbados relating to Tobago, Dec. 30, read.

Mr. Ethrington presented his abstract of Laws relating to the poor.

Jan. 3. Representation about Tobago agreed upon.

Mr. George Lapthorn of Plymouth ordered to be requested to send the letter to Col. Fox by the first opportunity.

Jan. 4. Representation upon His Majesty's title to Tobago signed.

Mr. Attorney General's report upon the form of oaths, commissions, etc. used in Virginia read. Letters to the Governor of Virginia, and the Governor of Maryland, signed.

Consideration of Col. Codrington's memorial about Councillors deferred, since he was reported sick.

Letter from the Earl of Jersey with Capt. Bennet's petition, Dec. 19, read.

Letter from Mr. Churchill, Stationer, read. The Secretary was ordered to write to Mr. Lownds not only for the payment of Mr. Churchill's bill but also for that of the Post Officer, sent to the Treasury with Mr. Churchill's, March 31, 1699.

Two letters from the Governor of Barbados with enclosures were laid before the Board. Acts enclosed ordered to be sent to Mr. Attorney General for his opinion.

Jan. 5. Lord Bellomont's letter of July 22 considered. Opinion of Mr. Attorney General upon the New York Laws now in his hands ordered to be asked for.

Report of the Admiralty, Jan. 3, and Order of Council, Jan. 4, about Algier Passes communicated to the Board. [*Board of Trade.* Journal, 12. *pp.* 304–311 ; *and* 97. *Nos.* 1–4.]

Jan. 3. Bermuda.

3. Edward Randolph to the Council of Trades and Plantations. *Repeats substance of beginning of letter Dec.* 29, 1699. *Concludes ;* I was discharged the day of the date hereof from my nigh nine months' severe imprisonment, for which favour I return my very humble thanks to your Lordships. *Signed*, Ed. Randolph. *Endorsed*, Recd. Read April 29, 1700. 1 *p. Abstract attached. Enclosed,*

3. i. Copy of the Order for the release of Ed. Randolph. 1 *p.* [*Board of Trade.* Bermuda, 4. *Nos.* I., I. i., *and* (*without enclosure*) 29. *p.* 270.]

Jan. 3. Admiralty Office.

4. Lords Commissioners of the Admiralty to the King. The Dey positively refuses His Majesty's Consul at Algiers to permit his delivering to the ships of that Government counterparts of the Passes granted by us to merchants and vessels, as has been usual, but instead, he does desire that all ships of His Majesty's subjects may trade without passes for the space of 18 months, hoping by that time some effectual means may be found, as well for supplying therewith those which belong to the Plantations and trade from thence in the way of the Algerines, as those which go directly from hence or Ireland. The Dey insists that ships trading from one Plantation of His Majesty to another or from any of them to other parts, where they may

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be met with by the ships of his Government, should, as soon as may be, be furnished with passes, the better to secure them and prevent misunderstanding. Vice-Admiral Aylmer informs us that the reason of that Government's desiring our ships may all trade without Passes till such time as those in the Plantations can likewise be furnished therewith is the good inclination they have to keep inviolable this present peace, which they are apprehensive may be infringed in case some of the ships of His Majesty's subjects do trade with Passes and others not. We humbly represent that, as we do not think it safe the ships and vessels, which trade from hence or Ireland, should proceed to the Streights or elsewhere in the way of the Algerines without the usual passes, lest those Rovers under that pretence seize them as prize, so do we think it very advisable that the ships trading from the Plantations should be likewise furnished therewith as soon as 'tis possible. But in regard it is necessary they should pass to the masters of such ships through the hands of some proper person in the Plantations, who should give the oath and take the usual bonds in these cases, and that some rules and instructions be given the persons entrusted with the delivery of the said passes, obliging them as well as the masters to whom they are delivered to make a right use and application thereof, that so the ships of His Majesty's subjects may not suffer prejudice by foreigners trading under the protection of the said passes, which we are apprehensive of, if the strictest care be not taken to prevent it, we therefore humbly propose that the Lords of the Council for Trade may prepare and lay before His Majesty not only what persons in the respective Plantations may most properly be entrusted in this affair, but also what rules and instructions may be necessary to prevent the making any indirect use of them as aforesaid. *Signed*, J. Bridgewater, Haversham, G. Rooke, D. Mitchell, G. Churchill. [*Board of Trade.* Trade Papers, 14. *pp.* 413–416.]

Jan. 3. 5. Wm. Churchill to William Popple. I have lately seen Mr. Lownds and desired his favour in speaking to the Lords of the Treasury for payment of my Bills for the service of the Commissioners for Trade. He told me if you'd please to write him a note to mind him of it, he would move their Lordships in my behalf. *Signed*, Wm. Churchill. *Endorsed*, Recd. Read Jan. 4, 1699. [*Board of Trade.* Miscellanies, 1. *No.* 41; *and* 11. *p.* 80.]

Jan. 4. 6. William Popple to Mr. Lowndes. The Lords Commissioners for Trade and Plantations desire you would move the Commissioners of His Majesty's Treasury that directions be given for the payment of Mr. Churchill's their Stationer's bill, £203 2*s.* 7*d.*, and the Post Officer's Bill, £24 16*s.* 5*d.* [*Board of Trade.* Miscellanies, 11. *p.* 81.]

Jan. 4. Kensington. 7. Order of King in Council. My Lord Jersey to write to the Consul of Algiers, that the Algerines do further explain themselves, whether they insist to have passes throughout, or no

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passes at all, and in case they would have no passes, how they intend to proceed in examining our ships when they meet them, and the reason why they would change the former methods. [*Board of Trade.* Trade Papers, 14. *p.* 416.]

Jan. 4. Whitehall. 8. Council of Trade and Plantations to Governor Nicholson. We received your letter of July 1. We hope you will be at no great loss for want of your Predecessor's papers. We do not know of anything sent him by us that need be copied and sent again to you. We are very glad to observe your good management of the public money, and doubt not but from the continuance of the like care you will not only preserve the Province from running back again into debt, but be able to effect many things for the advantage thereof. We approve of your not admitting Mr. Dudley Diggs to be of the Council because it would have been contrary to your Commission and Instructions, which must be your standing guide. But we have been surprised to observe by your Minutes of Council of Dec. 10, 1698, that you have appointed one to be Clarke of the Council, [*Mr. Harrison*] who owned to us at our Board that he had carried a ship's lading of tobacco from Virginia directly to Scotland. We much rejoice at the good correspondence which you say there is between the Earl of Bellomont, yourself, and Col. Blakiston, and we heartily wish it may so happen that you be able to meet together, as we perceive from Col. Blakiston was intended at Philadelphia, especially whilst Mr. Penn is there, because we cannot but hope that, at a meeting of so many Governors of such important Provinces, some advices will be thought on and proposals made that may be of general use and influence for the good of the whole.

There are many things in your letter of Feb. 4 which belong more properly to the direction of other offices than ours, unto which we can give little answer, though the whole be very necessary for our information. For instance, your desire that the revenue of 2*s. per hhd.* may not be charged by any order from hence we thought necessary to be laid before the Lords of the Treasury. You tell us you intend to send to the Commissioners of the Customs the copies of several things that you have sent us: we think it will be some ease to yourself, if, when you write to them or others about anything that it may concern us to know, you send us the copies of what you so write, referring thereunto and adding whatever further remarks you think fit. And that method will also be of advantage to us, because we shall thereby best understand what remains to be done by us. What you write about the Receiver's being a distinct officer from the Auditor is also matter proper for the Lords of the Treasury. We cannot doubt you have writ to them, and if you want directions you will do well to continue to address yourself to them. As to what you write that all public papers should be lodged in the Public Building and that the officers should be obliged to live at the seat of Government, we think it all very fit, and that the Governor-in-Chief, etc. should live there too. And for that reason we again exhort you to use your utmost

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endeavours that a convenient house be built for the Governor-in-Chief. Your proposal about a Lieutenant Governor for Virginia and Maryland shall be considered in due time. But we have not thought fit at present to offer unto His Majesty that any change be made from the directions already given about the devolution of those Governments upon the death of a Governor by His Majesty's Commission and Instructions to yourself and Col. Blakiston. What care you say has been taken about getting an exact rent-roll of His Majesty's Quit-rents, in order to the improving of that Revenue, is very well. We desire you to continue your care to see that it be accordingly done. And in like manner we are very well pleased with all you wrote about the rectifying of former abuses in selling rights and taking up lands etc. We observe what you write about the fitness of trying pirates and illegal traders in the Court of Admiralty settled in Virginia rather than in the other ordinary Courts, and are perfectly of the same opinion; but as to the Commissions of the officers of the Admiralty Court and their petition and your proposal about their salaries, all we can say is, we suppose their commissions to be the same as have been sent to His Majesty's other Plantations, and sufficient for them to act upon, and as soon as any salaries are settled upon those officers in other places, we shall be ready to propose that the like may be done there also. As to the qualification of a Scotchman to trade in the Plantations, we suppose you have communicated to His Majesty's Commissioners of Customs to whom the matter properly belongs. However, having had occasion to enquire into their opinion upon a case of that kind, happened in Maryland, we enclose an extract of their Secretary's letter thereupon. We do believe it is not without reason that you complain of the many irregularities in the government of Pennsylvania, but very full orders having been sent to Mr. Penn for the redressing of them, we hope he will heartily endeavour to do it, and that his endeavours may have a good effect. We do not conceive how you came to appoint the same persons to execute both the Naval Office and that of Collector of the 2*s. per hhd.*, that being directly contrary to your Instructions and also to your own opinion, which you writ us from Maryland, July 13, 1697. You ought therefore on this occasion, as all others, to have kept to the rule of your Instructions, and only offered the reasons upon which you thought it necessary they should be altered, that so those reasons might be further considered. Concerning the Secretary's office, you say that we best know whether the Secretary send us transcripts of all Acts, public orders and journals of Council, or no. But as it may perhaps be difficult for us to be immediately aware of every omission of that kind, we desire you to be careful therein, and as you are by your Instructions to require him and others to do their duty, so it will be well that by taking a list of what papers are sent, you examine whether anything material be omitted, and acquaint us therewith. We may instance in a thing that has lately happened. Col. Ludwell did not long since present to His Majesty an address from the General Assembly of Virginia,

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whereof we have had no copy, nor previous notice of it from him, which should have been taken care of. All that you write about the Public Building and the allotting distinct rooms in it for all the different kinds of public business is very well intended, and we hope you will accordingly accomplish it. Upon consideration of what you write of the want of Counsellors and the difficulty of getting five of them together, we have represented to His Majesty that Mr. Robt. Carter and Mr. John Custis may be constituted Members of the Council, and His Majesty has been pleased to order it accordingly. What concerns forts, fortifications, arms etc. we have now under consideration with reference to all His Majesty's Plantations and therefore defer answering you.

We are afraid by what you write about a Committee of the House of Burgesses appointed to revise the Laws, that you have mistaken the sense of your Instructions, though the words appear unto us as plain as can well be. For it is not the House of Burgesses, but you that are required to do it with the advice of the Council; and the end is not that the laws, so revised, should be immediately re-enacted, but that you should propose to us your observations thereupon in order to His Majesty's further directions. And above all things we add our advice in case the House of Burgesses have made any considerable progress towards the revisal of the laws, that you take care not to pass or authorise any collection of laws by one single Act, but that each Act be passed severally, and that nothing be put into any Act of a different nature from what is expressed in the title of it, that so any particular Act may be approved or disallowed of by His Majesty without involving others that have no relation thereunto in the same determination. What you write about the stile of commissions, etc. is under consideration, and if anything material be observed thereupon, you shall be advised of it in due time. We are satisfied with your proceedings relating to the fixing of the boundaries between Virginia and North Carolina. What remains to be done by you in the meanwhile, until Commissioners from Carolina duly qualified be appointed to treat about that matter, is, that you take care that those who have settled any lands in those confines upon Virginia Patents, be protected against the people of Carolina, and that you assert His Majesty's right against their encroachments, and suffer no innovation therein until those boundaries come to be finally settled and determined. The Laws transmitted to us have not the Public Seal of the Province affixed and are therefore not fit to be taken into consideration, in order to His Majesty's pleasure upon the whole or any part of them. If you did expect the Secretary should have sent us another copy of those Laws under the Public Seal, you may blame him for that omission, for he has not done it. But however it is very fit that two copies of laws be always sent us under seal, and a third without seal.

What you propose about ascertaining the value of coins in all His Majesty's Plantations, and that the value thereof in all places may be equal, is a matter of great moment, and will be duly

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considered. What you write relating to a new discovery of Western Indians, and the promoting of a trade with them by subscription there, does not sufficiently enable us to judge of the expediency thercof. You should have sent us a scheme of the design with such proposals as may shew that it will not interfere with or discourage the planting of Tobacco, which is the main thing to be pursued in that Colony, and we should thereby better have known whether it be proper for us to intermeddle in the promoting of it here or no. The Earl of Bellomont gives us also notice that he has writ to you about opening a new trade with some Western Indians, but whether that be the same trade which you say was endeavoured to be carried on by subscriptions we cannot tell. Your own sense upon all such matters is very necessary for our information, besides the papers that you may send and refer to about them.

As to the papers you refer to, relating to lands in Pamunkey Neck and Blackwater Swamp, we have reduced our thoughts into several heads, which we judge proper to be observed by you, viz. (1) That the Articles made with the Indians at Middle Plantation, May 29, 1677, be exactly observed, as likewise all other Treaties whatsoever; (2) that no grants be made to Englishmen of any lands within the territories reserved to the Indians by the aforesaid Articles; (3) that a patent be granted to the Indians for the lands reserved to them by the said Articles in the same manner as patents are usually granted for lands to other His Majesty's subjects; (4) that the said Indians be not allowed to grant or lease lands to any but their own posterity; (5) that all lands in Virginia be held from the King; more especially that no countenance be given to any colour of title got from the Indians by gaming; (6) that those who have *bona fide* planted lands in those parts and enjoyed a long continued possession of them upon defective titles, without legal patents for the same, may have the said lands confirmed to them by patents so far as they have actually planted them; (7) that those who have in the same manner taken up any great tracts of land, which they do not actually cultivate, may have patents granted them for more or less of the said lands as near as possible, according to the intent of His Majesty's late Instruction to you about a new method of granting lands in Virginia; (8) that if any cases relating to the grant of lands have particular difficulties in them, the same be reported specially to His Majesty, and not determined there without His Majesty's particular directions; (9) that no posterior grant of lands to the College be extended to the outing of those who have *bona fide* planted upon any prior defective title, so far as they have actually planted the same.

The new method that you have proposed for taking the number of tithables more exactly than formerly, we very well approve of. We have considered your desire of particular seals for the Council Office, Secretary's Office and Notary Public. But, as you acknowledge there have been no such particular seals formerly, and we do not find that any such seals have been appointed from hence for any other of His Majesty's Plantations, we have not

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thought fit to propose it, but have put the old seals that you sent us into Mr. Secretary Vernon's hands, and must leave it to yourself or any other officer concerned to make use of what seal you and His Majesty's Council shall think fit for the public service in each particular business.

You have an Instruction relating to the pressing of seamen, which has been given in the same manner to the Governors of His Majesty's other Plantations. But nevertheless complaints having been made from some places of the irregular conduct of the Captains of His Majesty's ships of war in that matter, His Majesty has thereupon made a further Order in Council, Nov. 23 last, whereof we send you enclosed a copy.

Concerning the forms of Commissions, Mr. Attorney General has signified to us that he finds no objection in law against any of them. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Virginia, 37. *pp.* 368–380.]

Jan. 4. Whitehall. 9. Council of Trade and Plantations to the King. In obedience to your order of Nov. 12, we have considered of your Majesty's right and title to the Island of Tobago, so as to hinder it from being settled by any others than your Majesty's subjects, with a particular regard to the late memorial of the French Ambassador, and humbly represent that, 1626, Sir Thomas Warner took actual possession of all the Caribbee Islands, whereof Tobago is one, in the name of Charles I, who by Letters Patent, June 2 1627, confirmed the year following, granted them to James Lord Haye, Earl of Carlisle, and his heirs, who held them in propriety under the Crown of England till the Patentees made a surrender of their interest to the Crown. Some time after Barbados had been settled under the grant of the Earl of Carlisle a considerable number of English were sent from thence to Tobago, who took possession under command of one Ayris and stayed there till by reason of the unhealthiness of the country they thought fit to return to Barbados, where Ayris is now living and well-known by the name of Governor of Tobago. Some time before the Restoration of Charles II, the Duke of Courland, intending to settle a colony in the West Indies, took advantage of the disorders in England by reason of the Civil Wars and possessed himself of Tobago, giving permission to one Lampson, a rich Zealander, to associate himself with the undertakers in that design, he paying a yearly acknowledgement to the Duke for the same. In 1658, the Duke being imprisoned by the Swedes, Lampson's Party made use of that conjuncture to raise a mutiny in the garrison of Tobago against the Governor, whom they forced to capitulate with them and their adherents and by this violent act the Lampsons became masters of the fort and island, which usurpation they continued for some years. The Duke of Courland, upon being set at liberty, applied to Charles II for his protection and leave to repossess himself of Tobago, and obtained a grant, Nov. 17, 1664, on certain conditions which show an acknowledgement of his tenure from the Crown of England.

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Notwithstanding which grant, the Dutch kept their footing in that island till 1665, when they were driven out by the English, and upon their retaking possession without leave from England, were again expelled 1672, by Sir Tobias Bridge and Sir William Pool, who destroyed the fort and buildings without making any new settlement, it being judged sufficient that the Government of Barbados should retain Tobago under their jurisdiction, and make use of it on all necessary occasions as depending on that Government, thereby preserving His Majesty's title and hindering any other nation from making a settlement there. Nevertheless, after the peace was concluded, the Dutch West India Company took upon them to resettle Tobago and were possessed of it until their war with the French 1676, when Count D'Estrees with a squadron of ships attacked the island and blowing up the Fort carried off all the Dutch inhabitants except a serjeant, John Hessen of Amsterdam, and two other Hollanders who continued there some days after the French had entirely abandoned the Island, as appears by the depositions of Hessen, produced by the Sieur van Benningen then Ambassador from the States in England, who redemanding some negroes that were come into the hands of a Governor of one of His Majesty's Caribbee Islands did allege that the Admiralty of Amsterdam remained masters of the Island notwithstanding the depredation of the French, who had made but a transient invasion without stay or settlement there. In this desolate state the island remained till toward 1680, when the Duke of Courland had once more thoughts of resettling it under the grant from the Crown of England, and with the assistance of Dutch Merchants fitted out some ships in Holland to that end, but with little or no success, which obliged the Duke to have again recourse to the Crown of England and to make his request by his agent, Baron Blomberg, to the late King in 1686 to encourage the settlement of the island and allow some of his English subjects to join in the design with others that should be employed by the Duke. But upon an hearing in Council it was then declared by His Majesty's Attorney General, that the Duke not having duly fulfilled the conditions of his contract from Charles II, had forfeited the advantages of his grant and consequently any right he could pretend to through it. Nevertheless, fresh encouragement has been lately given by the Agents of the Duke of Courland to several persons in England to resettle the island, but upon our Representation of May 18, 1699, your Majesty by an Order of Council was pleased not to allow thereof. Hence we infer, that the possession taken of Tobago by Sir Thomas Warner gave Charles I a just right to the island, which has ever since continued in the Crown of England, and is now inherent in your Majesty, because (1) the Duke of Courland had never any direct dominion over the island, but possessed it only by a grant and tenure from King Charles, which he forfeited : (2) the encroachment made by the Lampsons on the Duke of Courland was a mere usurpation which could in no wise prejudice the original claim of the English, which however was twice asserted by

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two entire conquests made by them on the Dutch, 1665, and 1673, since which time the Dutch have not acquired any title. So that the French cannot be said to be well founded in their claim to this island, either by what they call a conquest in 1676, which has been proved to be no more than a transitory invasion, without any settlement, barely affecting the Dutch Colony and Garrison; or by treaty with the Dutch in 1678, who having no just right of their own could neither lose nor transfer any right to the French towards invalidating the superior and original title of the Crown of England.

And whereas it is alleged by the French Ambassador that, for maintaining their property in that island, they send ships twice a year to Tobago to hinder any other nation from taking possession thereof, the coming of French ships to Tobago cannot be understood to be otherwise than by your Majesty's allowance for the maintaining a friendly correspondence between the two Crowns. The continuance of possession by your Majesty is much more easily proved by the constant frequenting of that island by your Majesty's men-of-war and other ships of your Majesty's subjects, which resort thither daily from Barbados and stay there two or three months at a time or more, to furnish themselves with wood, water and other necessaries in the said island, which depends absolutely on your Majesty's Government of Barbados, as other islands lying to windward of Guardaloupe. And in order to the further asserting your Majesty's right to Tobago, exclusive of all others and to hinder the settlement of any Colony there pursuant to your Majesty's intentions signified in that behalf, we are most humbly of opinion that the Governor of Barbados for the time being do take care by your Majesty's frigates and otherwise to hinder any settlement to be made upon that island by any foreign nation whatsoever, or even by your Majesty's subjects otherwise than such Governor with the advice of your Majesty's Council there shall judge necessary for maintaining your Majesty's sole right to the said island, and in such manner as may be for the use and benefit to your subjects inhabiting your Majesty's Island of Barbados. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jo. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Barbados, 45. *pp.* 15–20.]

Jan. 4. Kensington. 10. Order of King in Council, approving preceding representation, and instructing the Earl of Jersey, His Majesty's Principal Secretary of State, to reply to the French Ambassador insisting on His Majesty's sole right to Tobago. The Lords Commissioners of Trade ordered to instruct the Governor of Barbados according to the representation. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 9, $\frac{1669}{1700}$. $\frac{1}{2}$ *p.* [*Board of Trade.* Barbados, 8. *No.* 33; *and* 45. *p.* 21.]

Jan. 4. 11. Council of Trade and Plantations to Governor Blakiston. We were sorry to find from the two volumes of Revised Laws, that you sent us with your letter of Aug. 16th last, that you have mistaken the sense of His Majesty's Instructions. It is

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not the General Assembly of Maryland that are thereby required to revise the laws, but you were to do it with the advice of the Council, and the end is not that the Laws so revised should be immediately re-enacted, but that you should send a collection of them with your observations and opinion as to what may be fit to be repealed, added or otherwise altered therein in order to His Majesty's further directions. What has been done by the General Assembly is not agreeable to His Majesty's intentions, and especially it is most irregular that so many laws of different kinds should all be enacted together by one single Act —the Act ascertaining the Laws of this Province— by which means it was made impossible for His Majesty to disallow of any of those Acts without making void the whole, and this did oblige us, because of some things that we found not fit to be allowed, to represent that the foresaid Act should be disallowed, which His Majesty has been pleased to do accordingly. We are further to observe to you that an Act for the service of Almighty God and the establishment of the Protestant Religion, having been enacted there formerly and disallowed in 1695, was nevertheless re-enacted in 1696 and now again in 1699, without any material alteration in the thing for which it had been disallowed. This obliged us further to offer that it might be disallowed also, which His Majesty in like manner has been pleased to agree to (Nov. 30). By this means the Laws of Maryland, excepting this one, are just in the same state they were before the Assembly met, which revised the two aforesaid volumes. And you may further observe by the enclosed copy of a paper presented to us by some considerable merchants here, that there are other strong objections against the foresaid Act of 1696, beside what we offered to His Majesty thereupon. For the future we advise you to be mindful of His Majesty's Instructions about making all Laws as much as possible indefinite and without limitation of time, and against the re-enacting of laws without His Majesty's express consent. The consideration of that instruction and the reason of it might have helped to prevent your mistake upon the other; and to this we add that as you see now the inconvenience of passing so many laws of different kinds by one single Act, the same reason does hold against joining together any matters of different kinds in the same Act. Wherefore your care hereafter must be not only that each Act be past severally, but also that different matters be not mixed in the same Act, and that nothing be put into any Act (as it is notoriously in that about the Service of God) of another nature than what is agreeable to the title of it, that so any particular matter or particular Act may be approved or disallowed of by His Majesty without involving others that have no relation thereunto in the same determination.

The address to His Majesty, which you sent us enclosed, we transmitted to the Secretary of State, which is the proper method for things of that kind, and it has accordingly been presented. But whatsoever such-like papers you may hereafter send that way, or what you may write to the Treasury, Admiralty or others

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relating to the public affairs of the Province, it will be always requisite that you send us copies thereof.

You have amongst the rest of your Instructions one relating to the pressing of seamen, which has been given in the same manner to the Governors of His Majesty's other Plantations, but nevertheless complaints having been made from some places of the irregular conduct of the Captains of H.M. ships of war in that matter, His Majesty has thereupon made further Order in Council (Nov. 23 last) whereof we send you a copy. The Earl of Bellomont has writ us that he had proposed to you opening a new trade with some Western Indians, upon which we desire you to give us your thoughts; what appearance of advantage there is in that design and whether it may not interfere with and divert people from the planting of tobacco, which is the main thing that ought to be pursued in the Province under your Government. So we bid you heartily farewell. Your very loving friends, *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Maryland, 9. *pp.* 468–474.]

Jan. 4. Whitehall. **12.** William Popple to Sir Thomas Trevor, Attorney General. The Lords Commissioners of Trade and Plantations send you the Acts passed by the General Assembly of Barbados, Aug. 2–Oct. 17, 1699, and desire your opinion upon these and also upon those sent you May 16, 1698, and Aug. 15, 1699. *List of Acts subjoined.* [*Board of Trade.* Barbados, 45. *pp.* 14, 15.]

Jan. 4. Fort William Henry. **13.** Minutes of Council of New York. Petition of Samuel Wood against the J.P.s of the County of Suffolk for not putting into execution the Statute of Riots reported by them as vexatious and dismissed. [*Board of Trade.* New York, 72. *p.* 293.]

Jan. 5. Boston. **14.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I have not received your Lordships' orders upon any of my letters, which is a misfortune for me, for I am never so well pleased as when I am directed by you. A fit of the gout hinders me from writing with my own hand and also from giving you an account of several things that require your orders to me how to behave myself for His Majesty's service. I send the Collector of N. York's account of the Revenue from Michaelmas 1698 to Michaelmas last, duly audited by the L.G. and Council. Col. Cortland, the present Collector, writes me word this has been the worst year ever known at N. York for the Revenue by reason of the great scarcity of sugar, rum and molasses at Barbados and the other islands, and of wines at the Maderas, for from those articles the Customs at N. York do chiefly arise. I send the Minutes of Council of New York for July, August and September last. You will find by a Minute of Sep. 21 that the L.G. is instructed by me to grant a letter of denization to Peter Basset, a French surgeon and Protestant, to make him free in the Province of New York only, wherein I do not apprehend I have transgressed your Lordships' orders, for that which I understood by your Lordships to be against the law was granting

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of general letters of denization. My instruction to the L.G. is not so plainly expressed in the Minute as I could have wished, and therefore I send you an extract of my letter to him about Basset, and his answer, whereby you will see what caution I gave him therein, but he takes not the pains to read over all the Minutes of Council as I do. I intended to have sent the Muster Rolls of the Four Companies at New York and Albany, but the L.G. has not sent them, though I writ to him very pressingly three times in the last 3 moneths. I also intended your Lordships an exact state of the Militia within the three Provinces, but I am disappointed in that of New York. Col. Romer promised I should have his draughts of the Eastern Coast, but he has failed me too. I send duplicates of my letters of Nov. 18, 22, 27 and 29. I recd. not the Laws of Rhode Island till Dec. 23, which I now transmit. It seems that Government have taken all this time to prune and polish 'em, and yet after all I believe the world never saw such a parcel of fustian. I have got Mr. Addington to read 'em over and now send you his remarks. I desire your Lordships will observe the Governor of Rhode Island's letter to me of Dec. 22, wherein he calls it an imposition upon their Government that you should require a transcript of their Laws and that I have done the same by the King's Command. I did, as the King's Commission and Instructions empowered me, appoint four or five Gentlemen of that island to call for their Laws and Journals and to enquire into the irregularities of that Government, which thing Governor Cranston resents, though I am confident without any just reason, for I cannot find they have in the least abused the power I conferred on them, but have acted with all the moderation and prudence that could be expected from them. You will see by letters of Dec. 23, 26, 31, from the Gentlemen I left in Commission at Rhode Island, what unaccountable things that Government continues to practice, and there is a strange sort of Act of their Assembly, which they and Mr. Addington reflect upon particularly. I send you two letters of Oct. 5 and Nov. 17, which I recd. from the Governor of Rhode Island and from Mr. Walter Clark, late Governor, wherein they compliment me upon my behaviour among them in the execution of His Majesty's Commission.

There have come many complaints to me from the Narraganset Country of great violence done the people there by the Governor of Rhode Island since my being there, in levying taxes on them out of all measure and proportion and without the people's having any prospect of a due application of the money. But I tell the people 'tis not in my power to relieve 'em, and that they must wait with patience till His Majesty is pleased to interpose his royal authority for their protection. That people is much to be pitied, for I look upon them to live in a state of war, while the rest of the King's subjects live in peace and quietness. I send an Act of Assembly passed by the L.G. and Assembly of N. Hampshire for raising a certain sum of money to discharge the debts of that Government, and also seven Minutes of Council.

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About 3 weeks ago James Gillam the Pirate had like to broke prison and escap'd, somebody having conveyed to him an iron crow of two foot and a half long with a claw at the end of it and two files: he had filed the irons from off his legs, and with the crow had wrenched out some of the iron bars of the window, but happened to be overheard by the Gaoler, and I have since had him chained to another pirate, which is the only way to prevent his escape. I believe the pirates that are in this gaol, at Connecticut, N. York and Philadelphia are at least forty in number, and I would give £100 they were all in Newgate. 'Tis reported here that the *Rochester* frigate is sent from England to carry them away to be tried there, and to be sure they will be alarmed and meditating how to escape. I wish I had received some orders about them, and I could have sent the frigate that is here with them to England. Capt. Crow, who commands her, seems to be a right honest man. Everybody here believes the *Rochester* is blown off the coast and forced to bear away for some of the islands. The winter storms on this coast are more violent than in any part of the world. Therefore there ought to be no dependence on the sending orders directly hither: duplicates should be sent by way of Virginia and Barbados. Sir Wm. Ashhurst writes that the arrear of pay and subsistence of the Four Companies was cut off to Lady Day last, which is 27 moneths. I am forced to keep this to myself, not daring to communicate it to the officers or victuallers who have subsisted them all this while, and who I believe are by this time £9000 out of pocket. It would set them a madding and we should not have a soldier left in a day's time. I take the King to be much dishonoured in this treatment of the officers and soldiers, and for my own part, it is so great a blemish upon my reputation that I must never think of showing my face more at New York. The victuallers will be broke, and had I not encouraged them to victual the Companies they would not have undertaken it. I desire your Lordships to take such a course as that the arrear may be paid, that the honour of the Government may be supported and that I may not be disgraced.

Capt. Kidd sent the Gaoler to me a fortnight ago to acquaint me that if I would let him go to the place where he left the *Quidah Merchant* and to St. Thomas' and Curaçao, he would undertake to bring off 50 or three score thousand pounds which would otherwise be lost: that he would be satisfied to go a prisoner to remove from me any jealousy of his designing to escape. But I sent him word he was the King's Prisoner and I could hearken to no such proposition, but I bad the gaoler to try if he could prevail with Capt. Kidd to discover where his Treasure was hid by him. But he said nobody could find it but himself, and would not tell any further. *Signed*, Bellomont. *Endorsed*, Recd. March 4. Read March 26. $\frac{1699}{1700}$. 4 *pp.*
Enclosed,

14. i. Abstract of above. 1¼ *pp.*

14. ii. Extract of letter from Lord Bellomont to the L.G. of New York, Sep. 9, '99. I am applied to by some French

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here to grant a letter of denization to Peter Basset. I desire it may be done, but pray take especial care that he be not entitled to any privileges thereby out of the Province of New York, for that is a wrong step I was led into by good Mr. Graham, for which I have been severely reproved by the Lords of the Council of Trade. I forgive my fee to Basset, and pray do you with the Council settle the Secretary's fees for all letters of denization 30*s.* and no more, and the Attorney General 20*s.* and no more, which if they at any time exceed I will turn 'em out infallibly on the first notice thereof.

Extract of letter from L.G. of New York to Lord Bellomont Sept. 18, '99. I shall forthwith grant the letter and settle the fees as your Lordship directs. 1 *p.*

14. iii. Duplicate of preceding.

14. iv. Copy of Gov. Cranston's letter to the Earl of Bellomont, Newport, Oct. 5, 1699. Acknowledging "Your Lordship's moderation and favour." ¾ *p.*

14. v. Copy of complimentary letter of Walter Clark to the Earl of Bellomont, Newport, Nov. 17, 1699. "It was an honour to be visited by a person of such Christian qualifications," etc. 1 *p.*

14. vi. Copy of Gov. Cranston's letter to the Earl of Bellomont, Newport, Dec. 22, 1699. I have sent you by Capt. Joseph Sheffeild a copy of the Laws and Acts of Rhode Island. Delay was occasioned by the General Assembly, who was not willing your Lordship should have an imperfect copy, it being a work which was never imposed upon this Government before we was required by the Lords Commissioners of Trade about two years past. We have done our endeavours to comply with His Majesty's and your Lordship's commands in all things, insomuch that we have even consented to your setting Commissioners over us, whose power we concluded would not have extended further than to have made inquiry into things past, which your Lordship had not time to do, and not to be continual thorns in our sides, taking all advantage for the overthrow of this Government. 1 *p.*

14. vii. Copy of letter from Francis Brinley, Nath. Coddington, and Peleg Sandford to Lord Bellomont, Newport, Dec. 23, 1699. The Acts which Governor Cranston has sent you are not transcribed as they stand on record; they have sent that for an Act of Assembly which the Assembly never passed and there are perhaps one third or more that they send not, having thrown them aside and passed an Act that those sent are our body of Laws, to the deception of His Majesty and the grievance of the subjects who have suffered under laws they are ashamed should be seen. They have put a wrong date to those Acts they have sent. They begin them 1665, after they had a charter, but most of them were made before they

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had any authority and were condemned by Act of Parliament. 1 *p.*

14. viii. Mr. Secretary Addington's Remarks upon the transcript of the Laws of Rhode Island. They are full of incoherence and nonsense jumbled together and confused. The Government themselves cannot tell when they have the whole: how then can the people be supposed to know what is Law amongst them? *Other irregularities in the Acts pointed out, some involving a deviation from the powers granted by their Charter.* 3 *pp.*

14. ix. Copy of letter from Francis Brinley to the Earl of Bellomont, Newport, Dec. 26, 1699. I have seen some of their additional Acts repealed, altered or made new: amongst them, an Act, April 1672, against the Quakers, so ill resented by the people in general that they turned out of place those that were the cause of that Act, choosing a Quaker to be their Governor. They repealed that severe Act of Whipping, etc. for speaking a word or two: it is now inserted among the Laws. They have also inserted some Acts about the settling of Nanhiganset Country and thereupon forced a possession upon other men's land without any trial at law. 1 *p.*

14. x. Copy of letter from same to same, Dec. 31, 1699, criticising the transcript of Laws in the same vein. 1 *p.*

14. xi. Memorandum of Minutes of Council of New York, July 5–Sept. 27, 1699.

14. xii. Memorandum of Account of Revenue of New York, Michaelmas Quarter, 1698.

14. xiii. Memorandum of similar Account, Sept. 29–Dec. 25, 1698.

14. xiv. Memorandum of similar Account, Dec. 25, 1698–March 25, 1699.

14. xv. Memorandum of similar Account, March 25—June 24, 1699.

14. xvi. Extract of a letter from Sir Wm. Ashhurst to the Earl of Bellomont, London, Aug. 13, 1699. There is no expectation of receiving any of your arrears, there being no manner of fund or provision made for them, but there will be some care taken for payment of the subsistence from Lady Day last. I have this week received £965 2*s.* for 18 weeks' subsistence from Lady Day last, and I believe now it will be constantly paid. ½ *p. Endorsed*, Recd. March 4, $\frac{1699}{1700}$.

14. xvii. Duplicate of preceding.

14. xviii. Governor the Earl of Bellomont to the Commissioners of Customs, Boston, Jan. 5, 1697 (1700). This has been the worst year of the Revenue ever known, but I do not despair of doubling the Revenue of New York when I have rectified the disorders in that Government. Mr. Hungerford, joint Collector with Col. Cortland, has of late so strangely misbehaved himself

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that I am very much ashamed for him and the rather because he was of my putting in. There was a great intimacy between Mr. Hungerford and Mr. Parmiter, the Naval Officer, and I am told that Parmiter advised Hungerford that by a clause in the Act of the 14th of Charles II. he, as a Collector, had power to compound for seizures of unlawful ships and goods without taking notice of the King's share of the forfeiture or the Governor's. So that Mr. Hungerford has made away with a parcel of elephants' teeth and a great quantity of unlawful goods that were lodged in the Custom house, without the privity or consent of Col. Cortland, and several seizures I hear he made and brought them to his own lodging and has compounded for them upon his own terms without taking notice of the Government or anything else. If I be rightly informed the goods he has made away with were worth £1,000. He and Mr. Parmyter have lately quarelled in a tavern and threw candlesticks and bottles at one another's heads, and Parmyter has arrested Hungerford upon pretence of fees due to him for his advice as a lawyer, so that they two are at present irreconcileable enemies. Please to comply with the request I made in my last letter of sending an honest intelligent man to be Comptroller of Customs at New York, and I will make him Naval Officer and give him what encouragement I can besides, and I desire he may bring over the King's letter to be sworn of the Council. I have discovered several tricks in Parmiter that puts me quite out of conceit with him. *Signed*, Bellomont. *Endorsed*, Reed. March 4, $\frac{1699}{1700}$. *Copy.* 1¼ *pp.* [*Board of Trade.* New York, 9. *Nos.* 6, 6. i.–xviii.; *and* 54. *pp.* 107–120; *and* (*Abstract*) 45. *pp.* 74, 75; *and* (*duplicates of letter, memoranda, and xviii.*), New England, 10. *Nos.* 7. 7. i.–iv.; *and* 37, *pp.* 416–420; *and* (*duplicates and memoranda of* iv, v, vi, vii, viii, ix, x), Proprieties, 5. Nos. 4–12; *and* (*the part of Letter referring to Rhode Island*), 26. *pp.* 179–182].

Jan. 5. Jamaica.

15. Governor Sir William Beeston to the Council of Trade and Plantations. I have received your letters of June 26 with the particulars of the *Adventure*. Those rogues that seized her carried her straight to Rhode Island, there took out the money and maliciously sunk the ship in deep water. I hear the Earl of Bellomont has caused some of the men and money to be seized. Herewith I transmit the best account I can of the Patent Officers, but we know little of them, nor ever see their Patents here, so that we know not on what terms they hold, but are imposed upon by any deputation they send by or to John Nokes or Thom. Styles, and alter them as they please, and being wholly independent from the Government and holding by Patent under the Broad Seal of England believe they have as good

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authority for their places as the Governor has for his, and pay little regard to the Government. I know not how extensive His Majesty's Order is in this case, but here is none comes hither to act for themselves but all by deputies, therefore it seems to me that it does not oblige them to residence, or, if it does, they give little regard to it. I transmit the Act fairly written that was defaced in going home, and the Public Accounts to our Lady Day last, those to Michaelmas being not yet perfected; also a duplicate of the Council's exceptions to Mr. Allan Brodrick's sufficiency to be Attorney General, and would have sent the Muster-rolls, but the grevious mortality which we have had throughout the Island and still continues makes me both afraid and ashamed, for I doubt our numbers are much lessened. The Assembly were prorogued to the 5th Oct, but before that day came I consulted the Council, who, finding when they were together that they would do nothing was proposed to them about settling the Revenue, and establishing a body of Laws with it perpetual, they were unanimously of the opinion that if they met now they would come with the same temper and therefore advised rather to dissolve them than to bring them together at trouble and charge to no purpose. Accordingly I dissolved them by Proclamation.

As for the ships of war directed for the service of this island, they are of no use, for at the same time they gave directions from the Admiralty to attend the island and be at the Governor's disposal, they gave an order to Rear-Admiral Bembow to command all H.M. ships in these parts, by virtue whereof (though I cannot believe such contradictory orders could be intended by the Lords of the Admiralty), as soon as he arrived he took the ships from me and told me I had nothing to do with them when he was here, and so would have done by the *Southsea Castle* and *Biddiford* had they arrived, but they unfortunately ran ashore with a merchant ship of London in their company worth £20,000 on the coast of Hispaniola, and in a short time were all broken to pieces and thirty men drowned. The Rear Admiral also told me that whilst he was here I had nothing to do with anything that moved on the water, not even in the harbour, nor could send out any vessel nor grant any commissions, and that if I did he would take away their colours and hinder them, and when about 6 months since upon some private advice given me that it was known where Kidd was, and that, if I would grant a commission they hoped to take him, about 90 of our men manned out a sloop and I made a Commander, but as soon as she was gone out he laid his ships to meet her if she took the pirate and ordered them to take her from them and me by force, but the sloop missed her and returned, and when she came into the harbour his Captain threatened to take her colours away, and I believe had done it, had not the Commander to avoid dispute took them down himself. So that if there were 100 pirates about the island I could do nothing to them, nor will our men stir for fear of him. We had since the peace colleeted a good number of seamen, and the trade began to be brisk, but he pressed some and the rest ran

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away to the Northern Plantations, and when I writ him about it and that it was contrary to His Majesty's Order and a great injury to the country and oppression to the northern people that came here with provisions, he writ me that he wanted men, and, come from the North or South he would have them ; so that myself and the Government are perfectly insulted upon, and whilst such contradictory orders are given, and men take the liberty to make such arbitrary use of them, it is impossible His Majesty's service can be carried on. The merchants told me some months since that they have all written to their principals in London to appear in a body and complain of the usage, but I have heard no more of it. And indeed there are so many difficulties and hardships and afflictions about these Plantations that unless they be remedied I cannot see how they can long subsist, but must dwindle to nothing. (1) The Acts of Navigation are so severe that discourages all people : we must have nothing but from England and they do not supply us, whereas were there liberty we could have it from our neighbours the French and Dutch at easy rates. The late Act about certificates is a perfect dilemma, is extremely severe without any latitude or limitation, and the Governor and Officers are as strictly sworn to observe it under great penalty, and yet the Commissioners of the Customs now write me and blame me for seizing and condemning a vessel of New England for breach of that Act, tho' Capt. Clarke, one of the Commissioners of the Admiralty, were concerned in her lading and was so well satisfied that she was forfeited by the Act that he would not sit at her condemnation because he would not be thought to be partial. Had the officers not seized and brought her to trial, there would not have wanted informers that would have alleged that myself and the officers had broken the oaths and forfeited the penalties of the Act. Now we are blamed for following the letter of the Law and our oaths, so that no man knows how to act, and makes it very uneasy to anyone that designs to be honest. (2) Another fatal thing to the settling and increasing these Plantations is the merchants of London have never left soliciting against the Royal Company under pretence they would supply negroes more plentiful and cheap, till they have gotten them out and themselves in, and whereas the Royal Company usually supplied negroes at £22 and £24 per head and gave 6, 8 and 12 months' credit, now the Merchants sell for £34 per head and give no credit at all. So that those who have been long at it and by time, care, credit and industry have good Plantations and are aforehand can buy to supply their numbers that die, but it is impossible for anyone to settle a new Plantation, and I know for truth that since I came hither above fifty sugar works have been destroyed and deserted and but two raised in the whole island, and it's observable the year 1698 made about 23,000 hhds. of sugar, but 1699 has made but about 9000, and though much of this declension may be from the difference of the weather, yet a great deal is from the decay of the people and discouragement. (3) The ships of war, when they get so far from England, believe

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themselves lawless, and that nobody has any authority but themselves, impress and frighten away our seamen, which was a great part of the strength of the Island, and thereby also spoil all trade, and not only the seamen but even those who have wives and families ashore and are inhabitants; others they have taken aboard because they pretend they do not pay that respect is due, and there keep 'em prisoners and some they punish and so insult the place that makes it uneasy to all people, and I think it very hard that I who have His Majesty's authority should be so insulted and snubbed by those who I am sure have no authority so to do. I have often observed in all their language that they value an order from the Admiralty beyond any from the King. (4) This island from a pleasant and healthy place till my Lord Insequin's arrival, is grown very sickly, and every year in July, August and September many died, but they were seamen and new-comers, but this year has been more fatal than any before and a great mortality has fallen, and still continues not only on the seamen and new-comers but is gone quite through the island and many of the inhabitants, old Standers, men, women and children, are dead, and unless it pleases God to remedy it, the place must come to nothing but the residence of a few Merchants on Port Royal to sell negroes to the Spaniards. All these discouragements have perfectly disheartened me, so that last year I writ and begged that I might have liberty to return for England, since which I have been past all expectation of living with this distemper and am very weak with it still, therefore I now more earnestly beg the liberty to return, for if I could live 40 years under these great difficulties the country suffers unless redressed, I nor any one else can bring it to anything. Several of the gents. of the best ability and interest talk of removing, tho' we are so reduced that there are not in any of the precincts fitting men left to make officers, civil or military, and if those that are of ability remove, the management of the Government must fall into hands of the ordinary people, and that will be but indifferent. We have credible advice that the Scotch are gone again to Darien with a new recruit of five ships and 1200 men, and expect 7 ships more to follow in a short time. The Spaniards continue to insult our small vessels they can master, and lately took two coming from New England, one they only took out the money, the other they were carrying to St. Domingo to be condemned, but in the way met a vessel that scared them, so they took their boats and came ashore, but the boat being too small to convey them all, they left 3 of their company aboard the New Englandman, who brought them hither, where I have caused them to be tried for pirates and are condemned and shall be hanged, for I know no other way to make them leave off their insults. There is also an Englishman tried and condemned with them, who slunk privately into this island in hopes to hide himself amongst the crowd. *Signed*, Wm. Beeston. *Endorsed*, Recd. April 1. Read April 8, 1700. *Holograph.* 3¾ *pp. Enclosed*,

15. i. Abstract of above, with comments. 2 *pp.*

15. ii. Exceptions offered by the Council to Alan Brodrick's being sworn Attorney General.

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15. iii. List of Patent Officers. (1) Receiver General, Mr. Campere (*Compier*) of London. The office is managed by Mr. Charles Chaplin, one of the Council, whom I put in because Mr. Campere sent over a young man to execute it whom I could not by any means think fitting. (2) The Clerk of the Grand Court is in the hands of the son of Sir Robert Cotton in right of his wife during one Mr. Clour's (*Clowes*) life. It is managed by Mr. William Nedham. There has been no Provost Marshal by Patent from England since the death of M. Blancart. Meantime I have put in Mr. Thomas Atcheson. The Secretary's office is in Mr. Baber, executed by Thomas Nicholls for half the profits. The Attorney General is Mr. Thomas Barrow, whom on Mr. Brodrick's leaving the island I put in to act. The Clerk of Chancery is Sir Richard Deerham; the office is executed by Mr. John Holbrooke at half profits. The Naval officer is Capt. Thomas Povey: the office is executed by Mr. Barnaby Jenkins whom I put in at half profits. The Clerk of the Crown has been vacant some years; I have put in Mr. Geo. Simpson. *Signed*, Wm. Beeston. 1 *p.*

15. iv. Memorandum of Duplicate of an Act appropriating additional duty to the Revenue. ¼ *p.*

15. v. Memorandum of H.M. account of additional duty and impost on negroes, Sep. 29, 1698–March 25, 1699. ¼ *p.*

15. vi. Memorandum of H.M. account of impost, Sep. 29, 1698–March 25, 1699. ¼ *p.*

15. vii. Memorandum of H.M. account of wine licenses, etc, for same period. ¼ *p.*

15. viii. Memorandum of H.M. account of quit-rents, same period. ¼ *p.*

15. ix. Memorandum of H.M. account of £300 appropriated, Oct. 21, 1698–March 25, 1699. ¼ *p.*

15. x. Memorandum of H.M. accounts current, Oct. 8, 1698–March 25, 1699. ¼ *p.*

15. xi. Memorandum of H.M. account of fortifications, Oct. 13, 1698–March 25, 1699. ¼ *p.* [*Board of Trade.* Jamaica, 9. *Nos.* 13, 13.i.–xi.; *and*, (*without enclosures*) 57, *pp.* 28–39.]

Jan. 8. Nevis.

16. President and Council of Nevis to [? Mr. Secretary Vernon]. We have a report from Leeward that the Scotch have resetled their former settlement, but the news wants confirmation. We are credibly informed that about two months since there past by these islands four prittey large ships from Scotland, with men, arms, ammunition, etc. bound for that place. H.M. Regiment of Foot late under the command of Col. Francis Collingwood, deed., is and have bin some time out of quarters in all the islands only this, the respective Assemblies positively refusing to quarter them any longer, notwithstanding our constant endeavours to intreat them to it, particularly at St. Christopher's,

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where there is five companies, which number they desired at the Regiment's arrival, and less we could not post there. We must do the several Councils of the islands justice, that they have been always willing the men should be quartered. It is impossible they can live upon their subsistence without some assistance. The charge of quartering two or three companies is inconsiderable. Major Spencer Broughton has been very diligent and careful of the Regiment as any man could be. There have been a great mortality amongst them : the Colonel, four Captains and Capt.-Lieutenants died, besides several lieutenants and many of the men. What remains is now healthy. *Signed*, Wm. Burt, Mich. Smith, Dan. Smith, Richd. Abbott, Wm. Buttler. *Endorsed*, R. 23 Feb. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 53.]

Jan. 8. Nevis. **17.** President and Council of Nevis to the Council of Trade and Plantations. We are honoured with yours of June 23 last relating to Col. Collingwood's being appointed by H.M. Lieut.-General of the Leeward Islands. He died some months before the Commission came over ; had he not we should have been very observant to your Lordships' commands. *Repeats information about the Regiment as above.* Here lately arrived H.M.S. *Margitt* (? *Margate*), Capt. Tho. Urrey, to attend this Government in place of H.M.S. *Queenborough*. Capt. Urrey dying we thought it very fit for H.M. service to remove Capt. Billingsley out of the *Queenborough*, commanded home, into the *Margitt*, he being a very diligent officer, have had the seasoning of the country, as also a good pilate in all the islands. Pray your Lordships will not take it amiss, and that he may not suffer by staying. We humbly desire you to favour him to the Admiralty in continuing him in the said ship whilst amongst us. *Signed as preceding. Endorsed*, Recd. Read Feb. 26. $\frac{1699}{1700}$. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 54 ; *and* 46. *pp.* 33, 34.]

Jan. 8. **18.** Dr. Cox to the Council of Trade and Plantations. I have consulted the chief of those concerned in subscriptions to carry on the design of planting Carolana or Florida, and those who had agreed to settle in that country. I acquainted them with the great difficulties I had met with and the most material objections, and suggested the expedient of establishing a Colony between Virginia and Carolina. They have unanimously rejected it, and account themselves deluded by me. The subscribers will speedily, if not prevented, dispose of their money otherways, the planters of their persons. Though I am in a private and mean station, I greatly value the reputation of integrity which I will never relinquish and I would not altogether abandon some small pretensions unto common prudence, therefore I humbly request your Lordships will return, as an answer on my part to H.M. Order in Council, the memorial I presented to your Board, asserting H.M. just right to the Province of Carolana or Florida, whereof I am the unworthy Proprietary, my title being allowed by all those eminent lawyers with whom I have advised, and that you will transmit therewith an Abstract

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of the produce of that Country. If any further proof be required, I must send unto America, whence those discoveries have been made. To bring over so many persons will be, I apprehend, a very unnecessary expense and of very dangerous consequence, for our design is already too publick, and some subtle neighbour potentates may anticipate and exclude us. I intend to publish within a few days what hath been by me effected within 20 years last past at the expense of above £10,000, and am content to be severely censured if it doth not manifestly appear that I have acted with a most sincere design of love and service unto my dear country ; though indeed I must ingenuously acknowledge not with due regard unto my private interest. *Signed*, Dan. Coxe. *Endorsed*, Recd. Read, Jan. 9th, $\frac{1699}{1700}$. *Holograph.* 1 *p.* [*Board of Trade.* Proprieties, 4. *No.* 35 ; *and* 26. *pp.* 144, 145.]

Jan. 8. Whitehall. 19. Earl of Jersey to the Council of Trade and Plantations. The King refers the enclosed memorial to you for your opinion. *Signed*, Jersey. *Endorsed*, Recd. Read, Jan. 12, $\frac{1699}{1700}$. *Enclosed*,

19. i. Baron de Belmonte to the King. The Portuguese Jews living in Jamaica. The Assembly, without regard to the letters of denization and naturalisation granted to them by Your Majesty and your predecessors, has imposed a special tax of £3000, besides general taxes, upon the Portuguese Jews, and in the last session almost imposed a special tax of £5250 upon them. Your Majesty is besought to instruct the Governor to maintain and observe their privileges, and to allow them to enjoy the free observance of their religion and not to oblige them to bear arms on the Sabbath or other solemn feasts, unless the enemy be in sight. *French. Copy.* $1\frac{3}{4}$ *pp.* [*Board of Trade.* Jamaica, 9. *Nos.* 6, 6. i. ; *and* 57. *pp.* 1–3.]

Jan. 8. Whitehall. 20. Journal of Council of Trade and Plantations. Abstract of informations against Mr. Day, L.G. of Bermuda, agreed upon and ordered to be given to Sir Thomas Day whenever he requires it. Letter from the Governor of Jamaica, Oct. 23, read. Answer directed.

Ordered that the Secretary write to Sir William Ashurst to enquire for what time the Companies at New York have received their subsistance and pay, or what prospect he has of their receiving them ?

Two letters from Governor Grey, Oct. 20, read. Answer directed.

Jan. 9. Secretary ordered to ask Mr. Burchett whether any of H.M. ships have been ordered for New England, to fetch Kidd and other pirates, and when such ship will be ready to sail.

Order of Council, Jan. 4, about Tobago, read. Instructions ordered to be given to Governor Grey accordingly in his next letter.

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Letter from Dr. Cox declining the proposals he made to the Board, Jan. 2, and desiring that his memorial setting forth H.M. right to Carolana, *alias* Carolana Florida, may be laid before H.M. as his answer to the Order in Council, Dec. 21, read. Representation ordered to lay it before H.M. accordingly. Lord Bellomont's letters, Aug. 24, and Sept. 15, considered. [*Board of Trade.* Journal, 12. *pp.* 311–313 ; *and* 97. *Nos.* 5, 6.]

Jan. 9. Nevis. **21.** Wm. Burt to [? Mr. Secretary Vernon]. Since Commissary John Taylder's death, I have finished what he had left undone, and by H.M. ship bound home from this Government have sent his books and papers relating to that affair to the Rt. Hon. the Earl of Renalagh. There remains an overplus of £1120 in my hands of the money which was ordered for payment of the late regiment commanded by Col. Henry Holt, and H.M. by his instructions to the late Capt. General has allowed the Commander-in-Chief for the time being £350 *per annum* as a salary in case of the death or absence of the Capt. General, and I have had the honour of serving H.M. in the station of President now 18 months, and hope I have discharged that trust faithfully. I pray your favour that said salary may be paid me out of said sum. *Signed,* Wm. Burt. 2½ *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 55.]

Jan. 9. Admiralty Office. **22.** Mr. Burchett to Mr. Popple. Some time since H.M.S. *Rochester* was ordered to New England to bring home thence Kidd the Pirate and his accomplices, but, being much disabled by bad weather, was obliged to return to Plymouth, since which the *Advice* was appointed for this service and sailed from Spithead a week since. I know not of any other ship at present designed for those parts. *Signed,* J. Burchett. *Endorsed,* Reed. Read Jan. 10, $\frac{1699}{1700}$. [*Board of Trade.* New England, 37. *pp.* 231, 232 ; *and* 10. *No.* 8.]

Jan. 9. **23.** Abstract of charges against Samuel Day, Lt. Gov. of the Bermuda Islands, delivered to Sir Thomas Day's solicitor. (i) He has imprisoned Mr. Randolph and (ii) others, especially Col. White, upon frivolus pretence, (iii) has turned out members of Council and put in others without giving any reason ; (iv) he squanders H.M. powder in salutes to himself ; (v) does not suffer any depositions to be taken till he has been consulted ; (vi) refused to admit a Collector of Customs appointed by Mr. Randolph, Surveyor General of Customs ; (vii) as in the case of the Jamaica vessel, Isaac Adderly, Master, he exacts what exorbitant fees and gratuities he pleases. In particular he refused to sign Mr. Nicholas Trott's ticket for removing to Carolina till he paid £50 for his use. *Endorsed,* Jan. 9, $\frac{1699}{1700}$. 2½ *pp.* [*Board of Trade.* Bermuda, 4. *No.* 2 ; *and* 29. *pp.*246, 247.]

Jan 9. London. **24.** Sir William Ashhurst to William Popple. Being only empowered by my Lord Bellomont by letter of attorney to receive

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and remit to him what money should be ordered for the New York troops, I cannot be exact what time they were cleared. But by the account Mr. Abbot has given into the Treasury, there is about £17,000 due to those companies. I have only received £500 in March last to answer some Bills my Lord had drawn upon me and in Aug. £965 2*s.* for 18 weeks' subsistance from Lady Day last. I have frequently solicited the Treasury and left several memorials but without any effect. I don't expect payment of these arrears till either Parliament provide for it, or H.M. is pleased by application to him to direct it. *Signed*, Wm. Ashhurst. *Endorsed*, Recd. Read Jan. 10, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* New York, 9. *No.* 7 ; *and* 54. *pp.* 34, 35.]

Jan. 10. **25.** Attorney General to the Council of Trade and Plantations. I have considered of the Act for Preventing Frauds and Regulating Abuses in the Plantation Trade, in relation to H.M. approving of the Governors of the Plantations, and I am humbly of opinion that H.M. may by Commission under the Great Seal of England empower the Earl of Bellomont by name, or the Governor of any neighbouring Plantation for the time being, to approve or disapprove any of the Governors of Proprieties or Charter Governments from time to time. *Signed*, Tho. Trevor. *Endorsed*, Recd. Read, Jan. 19th, $\frac{1699}{1700}$. [*Board of Trade.* Proprieties, 4. *No.* 37 ; *and* 26, *p.* 149.]

Jan. 10. Whitehall. **26.** Journal of Council of Trade and Plantations. Mr. Burchet's reply (Jan. 9) read.

Sir Wm. Ashurst's reply, Jan 9, read.

Jan. 11. Mr. Pullen, who on Dec. 28 promised to lay before the Board a memorial relating to Mr. Day's conduct and to procure the like from one Mr. Brice, now promised to dispatch it and to make oath to it, as also to speak to Mr. Brice and Mr. Richier for what either of them can furnish of the like kind.

Representation relating to the sending for pirates for trial here, signed.

Representation in pursuance of Dr. Cox's letter, Jan. 9, signed.

Jan. 12. Secretary ordered to write to Mr. Pulteney for a speedy reply to the letter of the Board to the Earl of Romney, Nov. 13.

Letter from the Earl of Jersey, Jan. 8, with memorial of the Baron de Bellmonte about the Jews in Jamaica read. Answer directed. [*Board of Trade.* Journal, 12. *pp.* 314–317 ; *and* 97. *Nos.* 7–9.]

Jan. 11. Kensington. **27.** Order of King in Council referring the petition of Dorothy Bishop for the opinion of the Council of Trade and Plantations. *Signed*, John Povey. *Endorsed*, Recd. April 4, Read April 5, 1700. 1 *p. Enclosed*,

27. i. Petition of Dorothy, wife of Robert Bishop of Barbados. Col. Russell, late Governor of Barbados, constituted

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Robert Bishop Chief Judge of the Court of Common Pleas for the precincts of St. Michael, St. George and St. John's. After the Governor's death, the Council without cause removed him from that office and placed in his stead Mr. Colleton. His Majesty is begged to give relief in this matter. *Copy.* 2 *pp.* [*Board of Trade.* Barbados, 8. *Nos.* 40, 40.i. ; *and* 45. *pp.* 36–38.]

Jan. 11. Whitehall. 28. Council of Trade and Plantations to the King. Having in obedience to Your Majesty's Order in Council Dec. 21, 1699, required from Dr. Cox an account of the settlement alledged to have been made in Carolana, *alias* Carolana Florida, he has desired us to lay before your Majesty the annexed copy of a memorial prepared by him (*See* Cal. 1699, No. 967.), together with the Account of Commodities, etc. of that Country, whereof we laid before your Majesty a copy, Dec. 21, being the answer that he desires may be returned upon your Majesty's foresaid Order. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Proprieties, 26. *p.* 146.]

Jan. 11. Whitehall. 29. Council of Trade and Plantations to the King. Since our late representations concerning pirates seized in your Majesty's Plantations in America and others infesting those coasts, we have received further advices from many hands of their increase and boldness, and we thereupon represent that, in order to the bringing those of them that have been seized to condign punishment, directions be sent to the respective Governors in the method prescribed, Nov. 2, 1699, that they send hither in safe custody all the pirates who are now in prison or shall or may be at the time of their receiving those directions, together with the evidences upon which they have been seized and which may be of any use towards their convictions here ; and that they take care to secure their goods and effects, to be disposed of as shall be determined by law. We further humbly propose that the like orders be also given with this variation to Lord Bellomont, Col. Blakiston, Col. Nicholson, Sir Wm. Beeston, Col. Codrington and Mr. Grey, that if in any particular occasion any of them do judge by the circumstances of the case, the laws in force and the disposition of the people, that such pirates may be more speedily and effectually brought to punishment there than by sending them hither, in such cases they may either cause the said Pirates to be tried there or send them hither as they shall understand to be most expedient, but to the Governors of the other Plantations not under your Majesty's immediate government (of which no one is yet qualified, notwithstanding our frequent applications to the Proprietors pursuant to Your Majesty's Orders and the Act of Parliament for preventing Frauds, etc.), and to the Governor of Bermuda, we humbly offer that the foresaid orders may be given as a standing rule as well for time to come as in the present occasion. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Plantations General, 35. *pp.* 148–150.]

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Jan. 11. Kensington. 30. Order of King in Council, approving above Representation, and ordering the preparation of draughts of letters to the respective Governors accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read. Jan. 15, $\frac{1699}{1700}$. [*Board of Trade.* Plantations General, 5. *No.* 39; *and* 35. *p.* 151.]

Jan. 12. Plymouth. 31. George Lapthorn to William Popple. I have given Col. Foxe's letter to Nicholas Perdue, Master of the *Adventure*, bound for Antegua, who will sail first good wind. *Signed*, George Lapthorn. *Endorsed*, Recd. Read Jan. 15, $\frac{1699}{1700}$. ½ *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 56.]

Jan. 12. Carolina. 32. Governor of Carolina to Mr. Secretary Vernon. I have received His Majesty's commands relating to the vessel condemned here belonging to Mr. Peter Reneiwe, Capt. George Harris, Commander. I acquainted you that I and the Judge of the Admiralty had made him an offer of all that came into our hands by rendering him an account of the sales of the cargo, but he would not take it, expecting satisfaction for all his damages sustained. We told him that in case any embezzlement had been made by the seizer or by the Marshall of the Admiralty, if he would bring his action against them, we would see that he should have justice. He refused and is gone off and has left a power of attorney for sueing the Judge of the Admiralty, which seems to be a very hard case, for though His Majesty was graciously pleased to remit Mr. Harris' error, yet since the Judge did but his duty he ought not to be molested. For if Mr. Harris were a denizen, he had no certificate thereof, and though he says he left it behind him for fear of being taken by the French, who can help that? For if any man will be hanged with a pardon in his pocket and will not produce it, the Judge is not to be blamed. There hath been likewise a vessel here lately called the *Cole and Bean* galley of London, Paul Walsh, Commander, which was seized by H.M. Collector and condemned for not being registered and having a certificate thereof. Both the Merchant and Master were offered by the Judge of the Court of Admiralty that if either of them would make oath that they had ever seen a Registry or that their owners had ever told them so, he would let them have the ship and cargo, giving security to produce a certificate from H.M. Commissioners of Customs. They refusing, he decreed her condemned and forfeit. He is very much startled at his being to be sued in Capt. Harris' case, and if he should meet with such treatment in this, I doubt whether he will ever pass a decree against a vessel again, and then all the laws will be broke through at once. I have from time to time received such strict orders from His Majesty etc. to put the laws in due execution, that I cannot forbeare calling on all the officers to be diligent in the execution of their trusts. If they are so discountenanced from England that they are afraid to do it, I cannot help it. If His Majesty be at any time pleased to remit to offenders his share of forfeitures, no one can have anything to say against it, but if before any

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such thing should arrive here, the informer should be gone with his part, it would be very hard that the Judge should be sued for it. Since the condemnation of the *Cole and Bean* galley, on their coming to enquire into her cargo, I understand that on her voyage hither she was at the Canary Islands and took in several pipes of Canary wines, which she hath here imported contrary to law, which, without the want of a registry, would have forfeited her if she had been prosecuted on that point, but it was not then known. *Signed*, Joseph Blake. *Endorsed*, R. 17 Apr. ——. 1½ *pp.*, *Addressed and Sealed.* [*America and West Indies.* South Carolina, 620. *No.* 4; *and Board of Trade.* Proprieties, 5. *No.* 13.]

Jan. 12. St. James'. 33. Mr. Pulteney to William Popple. On the very day on which I received your letter, Nov. 13 last, by my Lord Romney's order I sent it to the principal officers of the Ordnance with directions that they should, as far and as fully as possibly they could, comply with what was therein desired. I have several times since called upon them for a dispatch of that matter, which from time to time they promised to do. I doubt not but the Lords Commissioners are sensible that a work of that nature will require time. I will again to-morrow remind the Board of Ordnance. *Signed*, J. Pulteney. *Endorsed*, Recd. Read Jan. 15, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 40.]

Jan. 15. London. 34. Proprietors of East New Jersey to the Council of Trade and Plantations. The Proprietors are surprised at your Lordships' dubious answer to the second article of their proposals concerning the establishment of a Port at Perth Amboy. For the principal objection that has been always made to the allowance of a Port in East Jersey arising from the non-payment of Customs there and the detriment accruing to the trade of New York by reason thereof, the Proprietors conceived that by submitting to pay the same Customs as are paid at New York they had effectually answered that objection, and prevented all others, and that they being His Majesty's subjects and equally entitled to his favour and protection with the inhabitants of New York, might under the payment of such duties freely enjoy those conveniencies for trade which God and Nature have allotted to their Colony, and they have purchased with their money, and which has not been denied to any other American Plantations, though paying no Customs, but permitted as a natural right. They therefore declare that the obtaining a Port to be coutinued for ever was their main inducement to consent to a surrender of their Government, and therefore they insist that in the new Charter, to be granted to them by His Majesty, there be an express clause inserted whereby Perth-Amboy shall be established a port for ever for entering all ships coming into and going from East Jersey for importing and exporting goods, and that such port shall not be forfeited or taken away for any misdemeanour whatsoever, but only the persons guilty of the misdemeanour shall be accountable and punishable for it. This is the only thing that

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can make the Province of any value to the Proprietors or give them hopes of reimbursing their purchase money and other expenses in improvements, and if your Lordships think it too great a privilege for them who have been faithful subjects and contributed to the defence of the frontiers during the late war in America more than they were able to bear, the Proprietors cannot be accessory to their own ruin by a voluntary surrender, but must endeavour to vindicate their right in a legal manner and seek redress as they shall be advised. If their desire of a Port is once granted, the Proprietors do not foresee any great difficulty to adjust with your Lordships the other Articles mentioned in their memorial. *Signed*, on behalf of the Proprietors and by their order, Wm. Dockwra. Secy. and Regr. *Endorsed*, Read, Jan. 15, $\frac{1699}{1700}$. 3 *pp.* [*Board of Trade.* Proprieties, 4. *No.* 36; *and* 26. *pp.* 147, 148.]

Jan. 15. Whitehall. **35.** Council of Trade and Plantations to the Earl of Jersey. With regard to the Baron de Belmonte's memorial (Jan. 8) relating to the Jews of Jamaica, we humbly conceive it necessary that the Governor be writ for a true state of the matter of fact, and we intend to do it. Meantime we are of opinion His Majesty may be pleased to direct that the Governor may have a general order to use the Jews that are there gently, not disquieting them by vexations of any kind, and more particularly that they be not obliged to be in arms on their Sabbaths or other solemn feasts, unless it be when an enemy is in view. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Jamaica, 57. *p.* 4.]

Jan. 15. Whitehall. **36.** Journal of Council of Trade and Plantations. Letter from Mr. Pulteney, Jan. 12, promising despatch, read.

Letter from Mr. Lapthorn signifying that he had sent forward the letter of this Board to Col. Fox read. Copy ordered to be sent to Mr. Richard Cary to forward by the first opportunity.

Letter to the Earl of Jersey about Jews in Jamaica signed.

Order of Council, Jan. 11, in accordance with representation about pirates, Jan. 11, read.

Letters from Lord Bellomont, Oct. 20, 24, 25, and Nov. 6, with enclosures, read.

Mr. Dockwra presented a memorial from the Proprietors of East New Jersey, which was read.

Jan. 16. Mr. Pullein and Mr. Richier promised their papers about Governor Day in five or six days.

Jan. 17. Order from the House of Lords, Jan. 16, requiring the opinion of the Board how consistent the Colony at Darien may be with the Treaties with Spain and the Trade of this Kingdom, read. Report prepared. [*Board of Trade.* Journal, 12. *pp.* 317–329; *and* 97. *Nos.* 10–12.]

Jan. 16. Whitehall. **37.** Earl of Jersey to the Council of Trade and Plantations. The French Ambassador having given in a memorial representing

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that two vessels went lately from Barbados to make a settlement in Dominique, which island he pretends to be under the French Protection, and the memorial complaining of injuries done to the French by the English African Company in Gambia, His Majesty desires your report of the facts and your opinion therein. *Signed*, Jersey. *Endorsed*, Recd. Read, Jan. 19, $\frac{1699}{1700}$. 1 *p.* *Enclosed*,

37. i. Memorial of the French Ambassador. Two ships from Barbados recently passed in sight of Martinique, carrying Col. Frayer and 60 men, who under pretext of obtaining building-timber are going to settle in Dominique. This island and St. Alouisie were assigned by former treaties between France and England solely for the occupation of the aboriginals of the Antilles. As the English wished to make a settlement at St. Alouisie about 20 years ago, they have been obliged to abandon this principle, and after the war of 1666 the savages placed themselves under the protection of France. I demand that His Britannic Majesty should order Col. Frayer to quit Dominique, and the English Governor not to permit such enterprises.

The French Company of Senegal complain that the English Company established in the River Gambia, far from being grateful for the care with which they have executed the Treaty of Ryswick by giving back the Fort they had taken from the English during the last war, and from uniting with them as their interests demand against the interloping Dutch, try to stop the French Company from entering the River Gambia, though the French have always had the right of entry and also had a habitation on the banks of this river. The English Company wishes to trade in the River Senegal, where they have never had a station. The two companies would have come to blows if the French had not hoped to obtain justice in Europe. I beg the Earl of Jersey to send orders to the English Company to restore things to the footing on which they were before the war. *Signed*, Tallard. $1\frac{3}{4}$ *pp.* *French.* [*Board of Trade.* Barbados, 8. *Nos.* 34, 34.i. ; *and* 45. *pp.* 21–23 ; *and* (*letter only*) Trade Papers, 15. *p.* 1.]

Jan. 16. 38. Order of the House of Lords, requiring the opinion of the Council of Trade and Plantations, how consistent the Colony at Darien may be with the Treaties with Spain and the Trade of this Kingdom. *Signed*, Math. Johnson. *Endorsed*, Recd. Jan. 16. Read Jan. 17, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 41 ; *and* 35. *p.* 152.]

Jan. 16. 39. Minutes of Council of New York. Payment ordered to Mr. Robert Walters for beds, etc. bought for the soldiers. Quarter's salaries of various officers ordered to be paid. [*Board of Trade.* New York, 72. *pp.* 293, 294.]

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Jan. 16. **40.** Minutes of Assembly of Barbados. Col. Thomas Maxwell chosen Speaker. Method proposed by the Agents in England to petition His Majesty adopted instead of address. All the General Assembly to sign such petitions. Bills, for securing the possession of slaves, and securing the Hon. Thomas Sadleir in the debts he had made good to the public, taken up to H.E. in Council, who earnestly recommended the raising a tax to defray the debts of the country, and the settling the Guard of the Magazine, and the allowance of officers and soldiers. The Speaker reported that he had supplicated H.E. that the Churchwardens of the parishes be enjoined speedily to give in the lists of lands, that the servants placed on the public may be disposed of among the inhabitants who want their complements for the militia.

Jan. 17. Ways and means to raise £10,000 considered. Charges for holding the Grand Sessions referred to a Committee. Bill for the encouragement of persons to become owners of vessels read and taken up. [*Board of Trade.* Barbados, 65. *pp.* 459–461.]

Jan. 16. **41.** Minutes of Council of Barbados. Address of Lt. Col. Maxwell, Speaker, Lt. Col. Geo. Peers and Wm. Heysham read, representing the damage the inhabitants of Bridge Town had sustained by the loss of the Bridge through the late deluge. Leave granted to take some public stones for repairing it. Letter from Talbot Edwards, Oct. 16, 1699, relating to the fortification of Bridge Town read.

Letter from Mr. Povey, Aug. 31, 1699, about returned Bills of Exchange read. The Governor and Council having obliged themselves to answer for them if not accepted, sent for Capt. Thomas, who declared he was satisfied by the last account he had received from home.

Presentments and Addresses of the Grand Jury read.

H.M. Patent, May 18, 1699, for Edward Chilton to act as Attorney General read. He took the oaths, etc. H.M. Patent, Aug. 29, for Alexander Skene to act as Secretary read and allowed of provided he proved his qualifications, it being objected that he is not a native-born subject of England, Ireland or the Plantations.

Letter from the Council of Trade and Plantations, Nov. 6, read.

Jan. 17. Bill for securing the possession of slaves read the first time and committed.

Ordered that Mr. Skene be admitted to be heard by his Counsel next Council day.

Bill to secure Thomas Sadleir, late Treasurer, read three times and passed.

Bill for the disposal of servants ordered to be prepared.

Bill to encourage owners of vessels read the first time. Petition of William Heysham read, praying to be paid for 20 servants delivered by him to Mr. Sadleir for public service. [*Board of Trade.* Barbados, 65. *pp.* 482–484.]

Jan. 18. Kensington. **42.** Order of King in Council, referring to the Council of Trade and Plantations the enclosed petition for their report. *Signed,*

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John Povey. *Endorsed*, Recd. April 4. Read April 5, 1700. *Enclosed*,

42. i. Petition of Samuel Allen, Proprietor of New Hampshire in New England and late Governor thereof, to the King. Petitioner being come to his Province with his whole family to settle there, finds himself obliged to represent to your Majesty that the inhabitants are a considerable trading people wholly governed by their own private interest, without the least regard to your Majesty's authority, the laws established, the Acts of Navigation or to your petitioner. They have lately made a contract with the Portuguese for sending timber for building great ships and are still felling the best masts in the Province, which is the best for your Majesty's service. Unless a speedy stop be put to these proceedings, the woods will in a little time be destroyed to the prejudice of England and your Navy, now supplied with the best masts from your said Province, whence a ship is lately departed with 45 masts for your Majesty's great ships of war and more are expected, if not prevented by the illegal and destructive practices of the inhabitants. Petitioner prays that the Earl of Bellomont be instructed to oblige them to obey the laws accordingly. *Copy.* 1½ *pp.* [*Board of Trade.* New England, 10. *Nos.* 9, 9.i. ; *and* 37. *pp.* 422–425.]

Jan. 18. Whitehall.

43. Council of Trade and Plantations to the House of Lords. In obedience to your order, Jan. 16, we offer that, the Isthmus of Darien is a tract of land lying between the Kingdoms of Peru and Mexico or New Spain, and part of what is called by the Spaniards Terra Firma or Castella Aurea, being in the center of all the most valuable dominions of Spain in America. It appears by all the most approved books and historical accounts of the West Indies, that the Spaniards settled themselves there in 1510, and that Enciso, a Spaniard, first discovered the River Darien and built a town upon it, which he named Sta. Maria Antigua, afterwards erected into a Bishoprick. But when Vasquez Nunez Balboa had discovered the South Sea, Petreeo Davilla, Governor of the Province of Darien under the King of Spain, in 1519 removed the inhabitants from Sta. Maria to Panama, alleging the unhealthiness of the air. The Province of Darien has been so divided by the Government of Spain that all on the one side of the River was allotted to the Audiencia or Presidentship of Panama, and the other side to that of Cartagena. And though the Spaniards having built several towns in Darien did afterwards demolish them and retire to other neighbouring places, as they were invited by convenience or advantage, yet this changing of habitations is not judged a dereliction of the territorial property of the Province, which they have always esteemed to be and remain entire in the Crown of Spain and in their possession, the inhabitants being only removed, some to Panama, others to Portobello and Cartagena, which three places

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are the extremities that in a manner environ and comprehend the Isthmus of Darien.

After great hostilities exercised for many years between us and the Spaniards in America, it was agreed by the 7th Article of the Treaty of Madrid July $\frac{8}{18}$, 1670, that the King of Great Britain should hold all those lands, etc. in the West Indies and America, which he did then possess, and by the 8th Article that the subjects of each Confederate respectively should forbear to sail and trade in the ports and havens which have fortifications, castles, magazines or warehouses, and in all places whatsoever possessed by the other party in the West Indies. Since the concluding of the said Treaty it has always been understood and insisted on by the Spaniards from a constructive equity of the 7th Article that the King of Spain is equally and reciprocally to have and hold such places as were then possessed by his subjects. And such has been the force of this Treaty, that, as the subjects of all other European Princes have forborne to plant a Colony or make any settlement upon Darien, so also His Majesty's subjects have always, (till on the late occasion) had such regard thereunto as never to attempt the same: which cannot be imputed to any want of knowledge of those parts, for that not only the English, but also the French and Dutch have long been as well acquainted with that coast and territory as any other whatsoever in America, and many proposals have been made to the Government of England to that effect. But the chief consideration against it has been that such a thing could not be compassed without a rupture with the Spaniards, who have constantly insisted on their right to that territory, and do particularly endeavour to secure their property and possession thereof by their Armadilla or Barlovento Fleet, which cruizes yearly upon that coast as it does upon the other coasts of their dominions in America. And to evidence of what great consequence the Spaniards do esteem it to themselves that this country be untouched by any foreigner, we cannot but take notice that the Treasures of Peru are carried by the South Sea to Panama, and from thence overland by the Province of Darien to Porto Bello, so that the Spaniards will unavoidably ever be very jealous of any neighbourhood, that may seem to interrupt the communication between the North and South Seas; as it may be judged from continued observations and experience that they will never unless forced by conquest, suffer any other Europeans to place themselves upon the mainland betwixt the Empires of Peru and Mexico; whereof we have a strong instance in that they would never hitherto permit us quietly so much as to cut logwood in the Bay of Campeche upon the Coast of Yucatan, lying upon the same tract of land, near unto which (at a place called Port Royal) there was some years past a small colony of about 300 English, disavowed by the Government of England, whom the Spaniards seized, destroying many of them upon the place and carrying others to Mexico, where they kept them working in chains. This they did, least by degrees we should habituate ourselves in those parts and settle there.

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Upon the whole matter we are humbly of opinion, that such is the continued claim of the Spaniards to this country, that the planting of a Colony and making a settlement upon Darien by H.M. subjects is what must touch them in the most sensible and vital part, and that the doing of it would inevitably involve H.M. in such a difference with Spain as may prove fatal to the Peace and good accord between the two Crowns, and consequently be destructive of our Trade and highly prejudicial to our Plantations in America. But supposing no such war should insue from the settling a Colony of Scotch, as has been lately attempted, it would nevertheless be highly mischievous to our said Plantations and prineipally to the Island of Jamaica, the most important of any of them, by alluring away their inhabitants with the hopes of mines and treasure and diverting the present course of trade, which is of the greatest advantage to England. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Plantations General, 35. *pp.* 152–159.]

Jan. 18. Kensington. 44. Order of King in Counеil, according to the report of Mr. Attorney and Solicitor General that the usual method of granting denization in the Plantations hath been by Acts of Assembly (*cases quoted*), and that the Governors of the Plantations ought not to grant letters of denization unless they were expressly authorised so to do by their commissions, and that no Act of denization or naturalisation in any of the Plantations will qualify any person to be Master of a ship within any of the statutes made in this Kingdom, which require masters of ships to be Englishmen. The Council of Trade and Plantations to give notice to Governors accordingly. *Signed*, John Povey. *Endorsed*, Recd. Read Jan. 26, $\frac{1699}{1700}$. 2¼ *pp.* [*Board of Trade.* Plantations General, 5. *No.* 42; *and* 35. *pp.* 160–163; *and* Maryland, 9. *pp.* 475–478.]

Jan. 18. Whitehall. 45. Journal of Council of Trade and Plantations. Report about Darien signed and taken by the Earl of Stamford to lay it before the House of Lords.

Jan. 19. Mr. Thurston, Agent for the Company at Newfoundland, directed to draw out a particular account of the quantities he esteemed necessary of things mentioned in Lt. Lilburn's letter.

Letter from the Earl of Jersey, Jan. 16, with the French Ambassador's complaints about Dominique and the African Company, read. Information ordered to be desired from the Barbados Agents and the African Company.

Letter from Mr. Attorney General, Jan. 10, declaring his opinion about Commissions to approve or disapprove Governors, read. [*Board of Trade.* Journal, 12. *pp.* 330–332; *and* 97. *Nos.* 13, 14.]

Jan. 19. Whitehall. 46. Mr. Secretary Vernon to the Council of Trade and Plantations. I enclose for your opinion on petitioner's qualification Mr. John Wollaston's petition for the Government of Bermuda when

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it shall become vacant. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Jan. 22. $\frac{1699}{1700}$. *Enclosed*.

46. i. Petition of John Woollaston. [*Board of Trade.* Bermuda, 4. *No.* 2; *and* 29. *pp.* 248, 249.]

Jan. 20. **47.** Minutes of Council of New York. Attorney General ordered to enquire into the reason why the Justices of the Peace of Queen's County have delayed to issue warrants for raising their quota of the sum raised by the Act of General Assembly granting to H.M. 2000*l.*

Col. Cortlandt's account of candles used in the Fort referred to a Committee. [*Board of Trade.* New York, 72. *p.* 294.]

Jan. 22. Whitehall. **48.** Journal of Council of Trade and Plantations. Letter from Mr. Secretary Vernon, Jan. 19th, with Mr. John Woollaston's petition, read. Memorial in favour of Capt. Bennet to be Governor of Bermuda read.

Jan. 23. Letter to Governor Grey signed; extract and papers relating to Tobago ordered to be sent to the Barbados Agents.

Jan. 24. Mr. Thurston presented the estimate ordered Jan. 19. Representation upon Newfoundland affairs directed.

Deputy-Governor Bass, lately arrived from the Jerseys, gave an account of the great confusion there is amongst the inhabitants, and that the better sort of the people and greater number of them desired the pretence of the Proprietors to a right to Government might be waived, and that the administration might be made immediately dependent on the Crown; but after some little discourse promised in a short time to lay before their Lordships a full account of the state of those Provinces in writing.

Lord Bellomont's letter, Oct. 20. considered. [*Board of Trade.* Journal, 12. *pp.* 332–335; *and* 97. *Nos.* 15–17.]

Jan. 23. Whitehall. **49.** Council of Trade and Plantations to Governor Grey. We have received two letters from you dated Oct. 20. One of them relating wholly to the Naval Officer, we refer you to the answer of the Lords of the Treasury thereupon. In your other letter we are glad to observe that the Assembly of Barbados have taken some care about building a House for the Governor. As for ships of war to attend H.M. service in that Government, having formerly advised you that we had represented what you desired, we can now add nothing. We have sent the Acts of Assembly you enclosed to Mr. Attorney General for his opinion. We are sorry to observe what you write of your having sworn Mr. Wheeler into the Council, because it is evidently contrary to your Commission, whereby you are only empowered to appoint Councillors to make up the number of seven and no more, so that Mr. Wheeler is to be deemed no Councillor, nor can any Act done by him in that capacity be adjudged legal, which you are to declare accordingly to him and to H.M. Council. Wherefore we advise you hereafter to have a closer regard to the powers and directions of your Commission and Instructions,

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and shall forbear at present to represent this proceeding as contrary thereto. The Barbados Agents having lately laid before us a memorial complaining that Captains of H.M. ships carry off not only debtors but also indented servants from that island, we represented the matter and enclose you a copy of the Order of Council, Nov. 23 [*Cal.* 1699]. On the French Ambassador's memorial concerning Tobago and H.M. Order in Council we send you a copy of our Representation and that Order that you may pursue the directions thereof. We enclose a letter from H.M. containing some general instructions relating to Pirates and another relating to Sta. Lucia. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* Barbados, 45. *pp.* 23–25.]

Jan. 23. **50**. Minutes of Assembly of Barbados. Col. Tho. Maxwell chosen Speaker. Levy of 3*s.* per head voted.

Jan. 24. Bill for raising a levy, and petition of William Roberts for the remittance of the duty paid on some wines that turned eager, taken up to the Council. [*Board of Trade.* Barbados, 65. *pp.* 461–463.]

Jan. 23. **51**. Minutes of Council of Barbados. Mr. Skene granted an extension of time to prepare his Counsel. Petition of William Roberts allowed.

Jan. 24. William Heysham ordered to be paid for 16 servants (*See* No. 41.) (*And see preceding abstract.*) Mr. Speaker acquainted H.E. that if the levy prove deficient they will very cheerfully raise a further supply. [*Board of Trade.* Barbados, 65. *pp.* 484–486.]

Jan. 24. Boston. **52**. Minutes of Council of Massachusetts Bay. Prorogation of the General Assembly till March 13 ordered. 12*l.* ordered to be paid as stipend to Thomas Weld, Minister of Dunstable.

20*l.* ordered to be paid to Michael Perry and Benjamin Eliott, booksellers, for printing the Laws of the Province.

Expenses of John Thacher and other Justices, commissioned to try an Indian for murder, paid.

Account of Nathaniel Jarvis, master of a brigantine employed on public service, paid.

Accounts of several persons of Essex County for billeting, etc. paid. [*Board of Trade.* New England, 49. *pp.* 267, 268.

Jan. 24. **53**. Mr. Thurston's estimate of the things required for the Company of Foot in Newfoundland. 1 *p. Endorsed*, Recd. Read Jan. 24, $\frac{1699}{1700}$. [*Board of Trade.* Newfoundland, 4. *No.* 1; *and* 25, *p.* 338.]

Jan. 25. Whitehall. **54**. Council of Trade and Plantations to the King. We have upon several occasions laid before your Majesty such proposals as appeared necessary for the preservation of the Fishery of Newfoundland, which is of so great importance to this Kingdom,

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and particularly that, for the erecting of new and finishing the old fortifications in the harbour of St. John's, workmen should be sent from hence with such a quantity of bricks, lime, and planks as the Office of Ordnance should find requisite, as also for building barracks there, and that a chain and boom, etc. should be sent for the harbour; wherein we understand that nothing has yet been done. The season now approaching for the departure of ships for that Fishery, we think it our duty to lay before your Majesty that, a fire having lately consumed the soldiers' barracks built of timber, with their divers utensils and necessaries, and the Agent for the Company having offered to us the annexed (*preceding*) estimate of the particulars desired by the Commander in Chief, amounting to 133*l.* 15*s.* 4*d.*, adding one year's subsistence at 307*l.* 14*s.* 2*d.*, and 50*l.* for contingencies, making in all 490*l.* 19*s.* 6*d.*, we humbly offer that the necessary directions should be given, as also for sending the same quantity of provisions as were sent last year, together with a chest of medicines, which the Chief Officer represents to be very much wanted. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jo^n^ Pollexfen, Abr. Hill. [*Board of Trade.* Newfoundland, 25. *pp.* 339, 340.]

Jan. 25. Kensington. 55. Order of King in Council, approving above Representation and ordering accordingly. *Signed*, John Povey. *Endorsed*, Reed. Read Jan. 31, $\frac{1699}{1700}$. 1¼ *pp.* [*Board of Trade.* Newfoundland, 4. *No.* 2; *and* 25. *pp.* 341, 342.]

Jan. 25. Kensington. 56. Memorial from M. Galdie. Dr. Cox has in Carolana some land, which he has tried to cultivate by granting some part of it to the Marquis de Meuse and others who, a year ago, sent one Ceuhu with two small brigantines to establish themselves there. On hearing from them, Dr. Cox may be able to induce others to go there, but the enterprise is not likely to succeed through want of money and the opposition of the Spaniards. Besides, the French have established themselves in the River Michachipinai, 150 leagues from Carolana. As to the idea of the Council of Trade, to divert the French and other Protestants, who intended to follow Dr. Cox, to Jamaica, it is excellent. But there are difficulties which seem to me insurmountable. (1) Such French Refugees, not being naturalised, could not possess land. (2) Those suitable for developing the plantations have not the necessary capital to start with. No individual however rich and willing could make this undertaking successful: the credit of the King or Nation is needed. *French.* 2 *pp. Endorsed*, Communicated by Mr. Heathcote. Recd. Read Jan. 25, $\frac{1699}{1700}$. [*Board of Trade.* Jamaica, 9. *No.* 7.]

Jan. 25. Kensington. 57. Order of King in Council, referring to the Council of Trade and Plantations the petition of Francis Burghill. *Signed*, John Povey. *Endorsed*, Recd. Feb. 23. Read Feb. 26, $\frac{1699}{1700}$.

Enclosed,

1700.

57. i. Copy of petition of Francis Burghill. In consideration of his great pains and expense in recovering the Island from the Bermuda Company for the King by an action of law under Charles II, petitioner prays for the government of that island without any salary whatever, but only the mean profits of H.M. part of the lands, which the Bermuda Co. were formerly possessed of. Charles II. had granted the government to petitioner, but the Duke caused him to be set aside and continued Mr. Conny in the place. 1 *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 4, 4 i. ; *and* 29. *pp.* 258–260.]

Jan. 25. Whitehall. 58. Journal of Council of Trade and Plantations. Draughts of letters to Governors about sending over pirates ordered. Mr. Heathcote presented a memorial about French refugees for Jamaica, and also an extract of a letter from Porto Bello, Oct. 8th, expressing the endeavours the French are using to carry on a trade with the Spaniards in those parts.

Representation about Newfoundland signed.

Lord Bellomont's letter of Sep. 11 to the Bishop of London laid before the Board. Ordered to be considered when the Act for vacating Church lands comes under consideration.

Part of Lord Bellomont's letter of Aug. 20 considered.

Jan. 26. The Secretary acquainted the Board that he had understood from Mr. Yard that the *Advice* frigate was sent to New England with orders to the Earl of Bellomont to cause Capt. Kidd, etc. to be put on board her for England, together with all their goods and effects under the direction of a person appointed by the Lords of the Treasury, and further that H.M. had been pleased to order Admiral Bembo, when he shall return to England, in case this should not have been done by the *Advice*, to send one of the frigates under his command to New England for that service.

Draughts of letters to Governors for sending pirates agreed upon. Mr. Hill delivered a certificate from several Members of Parliament in favour of Mr. Woolaston as Governor of Bermuda.

Order of Council, Jan. 18, about letters of denization and directing notice to be given accordingly to the Governors read. Letters ordered to be prepared.

Lord Bellomont's letter, Aug. 28, considered.

Laws of Massachusetts ordered to be sent to the Solicitor General for his opinion.

Ordered that Sir Henry Ashurst have notice to attend on Wednesday about an article in Lord Bellomont's letter about his salary. Ordered that Mr. Pullein be put in mind of the papers he promised.

Letter to Governor Sir Wm. Beeston signed, and upon information from Mr. Yard that the Earl of Jersey had already writ to him by H.M. order in conformity to the letter of the Board, Jan. 15, about Jews in Jamaica, a postscript was added referring him thereunto. [*Board of Trade.* Journal, 12. *pp.* 335–339 ; *and* 97. *Nos.* 18, 19.]

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Jan. 26. Whitehall. 59. Council of Trade and Plantations to Governor Sir William Beeston. The 9th of Nov. we informed you what we had proposed to H.M. about the change of your Commission into that of Governor in Chief, which has accordingly been ordered, and we doubt not but Mr. Heathcote will have sent you all things necessary thereupon. We enclose two letters from H.M. one containing some general instructions about pirates and the other some particular instructions about some of Kidd's and other pirates' goods carried to Curaso. We have lately received your letter of Oct. 23, the first part of which being about the refractoriness you found in the Assembly against your proposal of re-enacting their Laws and making H.M. revenue perpetual, we are collecting out of the books and entries of this Office what relates to the Act for perpetuating the revenue and shall send you our thoughts thereupon. We have considered the memorial about the unfitness of Mr. Allen Brodrick to be Attorney General, upon which you refused to swear him into that office; and if any friends of his make application to us for his admission, we shall make use of the reasons you have furnished us against it, though, as to the filling up of Patent Places in general, many objections are laid before us against some part of your late Act on that subject, which is still with Mr. Attorney General for his opinion. We are sorry that we have not hitherto been able to take into consideration those Acts amongst which is that for the present made you by the country; multiplicity of other business has hindered us. We have lately represented to His Majesty the prejudice suffered in the Plantations by the irregular conduct of the Captains of ships of war. We send you a copy of H.M. Order in Council Nov. 23 thereupon. We enclose a memorial concerning the Jews at Jamaica, and desire you to give us a true state of the matters of fact. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jo. Pollexfen, Abr. Hill. *P.S.*—In what may further concern the Jews we refer you to a letter you will receive from the Rt. Hon. the Earl of Jersey. [*Board of Trade.* Jamaica, 57. *pp.* 5–8.]

Jan. 27. Whitehall. 60. Wm. Popple to Sir John Hawles. I send you the Acts of the General Assembly of Massachusetts Bay, Boston, May 31, 1699, for your opinion. *List of Acts annexed.* [*Board of Trade.* New England, 37. *pp.* 259–262.]

Jan. 29. Bermuda. 61. Edward Randolph to the Council of Trade and Plantations. I received yours on Dec. 22. Mr. Day delayed calling his Council till the 1st. They met again on the 2nd and made the Order, designing on purpose in case Mr. Jones had not arrived till March or April, which sometimes falls out to vessels which miss the islands, that nothing should be done in the meantime. Mr. Jones arrived the 20th inst. On 23rd I received a summons, upon which I, with Col. White and Mr. Jones, attended the Sessions House and we received our Commission. By this designed loss of time we cannot possibly get any depositions ready to

1700.

send by this conveyance. I am obliged for your letter of July 27, and your care for my enlargement; yet notwithstanding I had not my liberty till the 13th (? 3rd). I am further obliged that your Lordships approve my services and encourage me. I intend God willing so soon as I am able after my nigh 9 months' imprisonment and a safe passage presents—for these seas have been infested with pirates—to go to Providence where Mr. Read Elding, a known and late pirate, is by the death of Capt. Webb the present Governor: thence to N. Carolina, where I shall meet with an ungoverned and licentious people to manage, the Governor, as I hear, being a well-wisher to their humours. I have by my long confinement got a cold numbness in my right knee and leg so that I cannot endure the fatigues of tedious cold travelling as formerly, and would be willing to call this moderate climate my residence, unless I am commanded to attend my masters at home, after my more than 25 years' service in the Customs, in which I have made more than 15 voyages to and from the Plantations and London, and undergone several hazards besides losses and greater troubles, having been 10 months a prisoner in Boston, and forced to lie several days and nights in a swam[p] in Maryland when Col. Copley was Governor to escape being made Sir Tho. Lawrence his fellow prisoner or worse, for all which I never found any other cause than my diligence. *Signed*, Ed. Randolph, S^r^ Gl. *Endorsed*, Recd. Read April 29, 1700. *Holograph*. 1¾ *pp.* (*with abstract*). *Enclosed*,

61. i. Copy of Order for releasing Mr. Randolph. 1½ *pp.*
ii. Copy of Summons to Mr. Randolph to appear at the Sessions House. ½ *p.*
iii. Copy of Commission constituting Ed. Randolph, Anthony White and Edward Jones Justices to examine into complaints against the Governor. 1 *p.* [*Board of Trade*. Bermuda, 4. *Nos.* 5, 5.i.–iii.; *and* 29. *pp.* 271–274.]

Jan. 29. Bermuda.

62. Governor Day to the Council of Trade and Plantations. I received your letters of Sept. 12th and 20th with the Order of the Lords Justices, Aug. 31st. As to the imprisonment of Mr. Randolph, I hoped I had transmitted by several conveyances a full and satisfactory account, in representing his evil and secret practices. Upon examination before myself and the Council, by the advice of them he was committed to prison until delivered by due course of law. On July 13 a Grand Jury found the bill against him and being brought to a trial by a jury of twelve he was convicted and fined 50*l.* to the King and to remain in prison till the same was paid. However, though the letter for his discharge was not yet arrived, yet with the concurrence of the Council he was discharged. As to the irregularity of my conduct in the Government, I did by the same several conveyances transmit a full account of the state of this Government and of all things charged in His Majesty's Instructions. With the Council, I have issued out the Commission ordered to Mr. Randolph, Col. White and Mr. Jones. It seems very severe to have the very persons who are the delinquents to take depositions

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in their own behalf. (*Repeats portion of following letter about sending a credible person to England in his defence.*) In my next I shall fully make it appear that I did not hinder Mr. Dickenson from going to England.

Since receiving his commission, Mr. White has read it to all the ignorant common people in the island, and hath so amused them with the power given him of calling me to account that they wholly lay by their respect to me as Governor. (*Repeats concluding paragraphs of following letter.*) *Signed*, Sam. Day. *Endorsed*, Recd. Read April 29, 1700. 2 *large pp. Enclosed*,

62. i. Copy of Mr. Randolph's commitment.
ii. Copy of Mr. Randolph's release.
iii. Copy of commission of Messrs. Randolph, White, and Jones.
iv. Abstract of above letter [*Board of Trade.* Bermuda, 4. *Nos.* 6, 6.i.–iv.; *and* (*without enclosures*), 29. *pp.* 275–280.]

Jan. 29. 63. Abstract of the two preceding letters. 2 *pp. Endorsed*, Read May 1. [*Board of Trade.* Bermuda, 4. *No.* 7; *and* 29. *pp.* 283–285.]

Jan. 29. Bermuda. 64. Governor Day to Mr. Secretary Vernon. *Acknowledges receipt of letter of June* 18 *and repeats his reply about the Scotch at Darien and Capt. Hind the Pirate.* Since which I have an account of his being taken by one Thomas Frith, a marriner of these islands from Berry Islands near Providence where he had been put on shore. Frith carried him and four more of his gang into Providence, where they were all tried and hanged.

On Jan. 9 I had an account from Daniel Ross, late Master of the sloop *Joseph and Benjamin* of these Islands, that he being at anchor in Bloody Bay at Tobago, one Monsieur Thomau, a notorious pirate, and nine armed men in a canoe surprised the sloop and afterwards with her plundered several others and barbarously used the persons they found on board.

I received a letter from the Lords Justices dated July 25, 1699, (*q.v.*). In answer I can readily aver that in relation to the Customs Officers on my first arrival I took immediate care for settling them, erecting Courts of Admiralty and making a Judge and Attorney General, and gave all encouragement and assistance to them. As to the encouragement to illegal trade, I can very clearly acquit myself, for ever since my government here I have made all strict enquiries into all vessels arriving here and appointed searchers and proper officers, which had not been done before, and thereby I have discovered several vessels which have traded to Curaçao with dyeing wood without bringing it to any of the Dominions of England and have clandestinely imported thence several dry goods and vended them here, for which proceedings I have caused several Courts of Admiralty and Exchequer to be held and now hold several vessels forfeit. I shall transmit by the next all the proceeds which have been made against them. I have incurred much dislike by my strictness, amongst those who find themselves discouraged from their

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accustomed trading, and with them have joined Edward Randolph, H.M. Surveyor General of Customs in America, and several others to foment dissatisfaction and, privately insinuating many false matters against my conduct in this government, have procured a very severe order upon me from their Excellencies the Lords Justices, Aug. 31 last. I hope I shall be allowed the liberty of an English subject and not be condemned before I am heard, and then I doubt not but to vindicate myself. I am resolved, since letters do not meet with a due delivery, to send a credible person to England who actually knows all transactions here, with whom I shall transmit in writing attested all my public proceedings, although I humbly conceived I had before done it fully in my letters. I shall pray to be heard and shall readily submit, as I have already given obedience to their Excellencies' order by discharging Mr. Randolph from his imprisonment, (altho' he was under execution for a fine to H.M. adjudged in a Court of Quarter Sessions and not on any suit of mine), and myself and Council have issued out the Commission to Mr. Randolph, Mr. White and Mr. Jones. In pursuance of H.M. Order, Oct. 28, I have released the *Dolphin*, Isaac Adderley, Master, and he is at liberty to proceed on his voyage.

Jan. 31. On Jan. 31, Messrs. Randolph, White and Jones, the constituted Justices, met to examine witnesses, who brought depositions ready written, which were taken very privately without giving me any notice, whereby I might be capacitated to transmit my answer according to the Order of the Lords Justices. Mr. Jones indeed urged for copies of the depositions, but the rest of the Justices denied them. Whereupon with the advice of my Council I protested against their unfair proceedings. *Signed*, Sam. Day. *Endorsed*, R. Ap. 29, 1700. 3 *pp. Enclosed*,

64. i. Deposition of Daniel Ross, Mariner. (*See preceding letter.*) *Copy.* 1¾ *pp.*

ii. Copy of Order of Lords Justices in Council, Aug. 31, 1699.

iii. Minute of Council of Bermuda, Jan. 2, 1700, *St. George's.* Ordering the release of Mr. Randolph and the issue of a Commission to Messrs Randolph, White and Jones. 1 *p.*

iv. Copy of Deposition of Edward Jones. On Jan. 31, at the house of Mary Burrowes, widow, St. George's, witnesses made depositions before the Justices appointed. Deponent demanded copies to be taken and shown the Governor. This was denied. ½ *p.*

v. Protest of Governor Day and Council against the refusal of the Justices to show copies of the depositions to the Governor. *Signed*, Sam. Day, Gilbert Nelson, John Brooke, Samuel Sherlock, Robt. White, Mich. Burrows. [*America and West Indies.* Bermudas, 477. *Nos.* 61, 61. i–v. ; *and*, (*copies of* 61. iii., iv., v.) *Board of Trade.* Bermuda, 39. *pp.* 23–25. Duplicate of letter, with last three enclosures only, [*Board of Trade.* Bermuda, 4. *Nos.* 8, 8.i–iii ; *and* 29. *pp.* 293–299.]

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Jan. 29. Whitehall.

65. Mr. Secretary Vernon to the Council of Trade and Plantations, enclosing the petition of Capt. Joslyn Meade. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Feb. 1, $\frac{1699}{1700}$. *Enclosed*,

65. i. Petition of Capt. Joslyn Meade. Has served H.M. for 10 years as Captain of Foot. In the time of the Irish Government was plundered of all he had and imprisoned in Dublin. Recommended to the Treasury by the Lords Justices of Ireland for an estate of 300*l.* per annum, petitioner has attended in England and is reduced to great extremity. Prays to be granted the government of Bermoudas. 1 *p.*

ii. Dublin Castle. May 12, 1698. Lords Justices of Ireland to the Treasury, recommending Capt. Meade for his services at the siege of Sligo to a grant of lands in Co. Cork. *Signed*, Winchester, Gallway. 1 *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 9, 9. i., ii.; *and* 29. *pp.* 249, 250.]

Jan. 30.

66. Governor Grey to the Council of Trade and Plantations. I have received your letter of Oct. 12. I send the Naval Accounts, which I hope are now done according to your directions; it was the Naval Officer's fault it was not done better sooner. As for the deposition of Mr. Peter Smith, I am very confident that Burke himself never brought any such goods hither, he having entered here in the several offices as the law directs. Whether he bought any goods of Kidd I know not: if he had, he might easily have sent them hither undiscovered by little vessels who make it a trade to run goods here, which 'tis impossible for me to prevent with one single ship. Since the arrival of H.M.S. *Ludlow*, Capt. Henry Lumley, Commander, there has been a very great mortality: he has lost all his officers except his Master, he has had four or five Pursers which have all died, and he has not ten men left which came out of England with him, so that hitherto the ship has been of no use. I have given him orders for a man out of every ship that anchors here, and so soon as she shall have her complement recruited, I shall dispose of her as H.M. service shall most require. The Captain has been three times dangerously ill; he is now upon the recovery. Capt. Barker I have sent out to convoy some ships to Saltertudos upon a petition of several merchants setting forth what a pressing occasion there was for him, for that that coast was so infested with pirates they could not with safety send any ships thither for salt, which is a commodity very scarce in this island. I gave him instructions that, if he met with any intelligence of any pirates when he came there, to cruise about in search of them, with a limitation that he return hither in seven weeks. As to the Lords Justices' commands relating to the executors of Sir Peter Colleton, I will take particular care they shall not have any more cause to complain of any delays. Pursuant to your order relating to Mr. Bate, I have given the Attorney General directions to enter a *noli prosequi*. I enclose the form of writs used here for calling a General Assembly. I forwarded your

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letters to the Governor of Bermudas the next day after receipt. I received your letter of Nov. 6 on Jan. 26. I hope you have received an account of all the Patent Places in this Island. I have ever since my arrival used my utmost endeavours to suppress all pirates, and could wish for H.M. interest that I had a force answerable to my inclinations to scour these seas from all such vermin. The forts are not as yet put into repair by reason of a very great levy, which is now about to be made by a bill brought in the last week entituled, An Act for raising a levy to discharge the public debts of this island, which has been once read and is committed till Friday, Feb. 2, the next sitting of the Council and Assembly. A Bill to this purpose has been attempted by some of my predecessors, but for the unhappy differences that were among them and the people, it never could be brought to any issue till now, the design of this being intended to discharge the debts which amount to about £11000 due for several ships hired by the country in the time of the war for transporting the forces to Martinique and to build and repair the fortifications etc. I earnestly recommended the matter to the Assembly, who readily complied, and declared that if the bill should prove deficient, they would most cheerfully give a further supply. On Sat. Jan. 20, I took a review of all the Forts to Windward, having some little time before visited the Leeward Forts. The charges of putting them in repair will be very considerable. I question not but I shall prevail with the Council and Assembly to make another levy, if occasion be for that purpose, and when that is finished, I will recommend to them the building a house for a Governor. *Signed*, R. Grey. Enclosed is a list of Gents. whom I recommend, qualified to serve as H.M. Councillors. *Endorsed*, Recd. March 29. Read April 5, 1700. 3 *pp.* *Enclosed*,

66. i. List of Gents. recommended for Councillors. (1) Col. Th°. Maxwell, Speaker of the Assembly. Of a Scotch name but English born: of admirable parts and considerable estate. (2) Jn°. Hallett. His father, Jn°. Hallett, late of the Council, lately died in England. He is a Gent. of very considerable estate. (3) Th°. Sadleir, Judge of H.M. Court of Exchequer: of very good parts and a considerable estate in lands. (4) Col. Jn°. Leslie, Commands our Windward Regiment of Horse and has a very fine plantation. (5) Col. Abel Alleyne commands a Leeward Regiment of Foot: an old Planter who by his own industry has acquired a very considerable estate. (6) Rich^{d}. Downes: Lt. Col. to Leslie, both Creoleans: chosen this last year Treasurer by the General Assembly: of good estate. (7) Lt. Col. Robt. Harrison; an old Assembly man of considerable estate. (8) Christopher Estwick. (9) Jn°. Mills. (10) Rich^{d}. Worsam. (11) Jn°. Lucy Blackman, who, were he not young, should be higher in the list, by reason of his merit and estate. I sent only 11, having supplied the vacancy of Mr. Bond by putting in Col. Wm. Wheeler before the arrival of Mr. Mein, for whom I have before desired H.M.

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approbation. All the Gentlemen named are zealously affected to H.M. *Signed*, R. Grey. *Memorandum. Ap.* 30. The Board agreed that upon any vacancy, Mr. Drax shall be the first named to supply it. *Memorandum. July* 12. The Earl of Tankerville desired Mr. Sutton's name to be considered of, whenever there happens to be a vacancy. 3 *pp. Endorsed as preceding.*

ii. Copy of form of writ used for calling an Assembly in Barbados. 1 *p. Endorsed as preceding.*

iii. Memorandum of accounts of Naval Officers of Barbados, June 25–Sept. 24, 1699. ¼ *p.*

iv. Memorandum of accounts of Naval Officers of Barbados, Sep. 25–Dec. 24, 1699. ¼ *p.* [*Board of Trade.* Barbados, 8. *Nos.* 43, 43.i.–iv. ; *and* 45. *pp.* 41–46.]

Jan. 31. Bermuda. **67.** Edward Randolph to the Council of Trade and Plantations. This accompanies my letter of Jan. 29 wherein I enclose a copy of Mr. Day's sham Commission of the Peace. Divers of the inhabitants have applied themselves to me and Col. White to take their depositions of great oppression and injustice done them by Mr. Day and Mr. Nellson, Chief Judge, but as Mr. Day and the Council have refused to issue such a Commission to myself, Col. White and Mr. Jones according to the true intent of the Lords Justices' Order, we hold ourselves not legally qualified to take depositions of any matters foreign from what are particularly expressed in that Order. We have a flying rumour that Mr. Day will be commanded home to answer the misdemeanours now proved upon him, which doth very much trouble some of the suffering inhabitants, who will be ruined in their estates and left out of all hopes of recovering their just dues of him, if he should not first be obliged to make them satisfaction. 'Tis probable application will be made by some to succeed Mr. Day in the Government of these Islands: they are certainly of such great import to the Crown as not to be entrusted to the care of necessitous persons as were Col. Goddard and especially Mr. Richeires and Mr. Day, two broken linnen drapers, of worse morals. I have no prejudice to either of them ; I heartily pity Mr. Day and forgive him his folly to me. 'Tis my duty that obliges me to write plain English upon this subject. I therefore propose that H.M. suspend the sending another Governor until the matters charged against the preceding Governors now in England be proved, and meantime, that there be no failure of justice, that he appoint Col. Anthony White, Capt. Charles Walker, Capt. John Tucker, Capt. Thomas Harford, Samuel Spofferth, Robert White and Major Burrows to take upon them the present administration of the Government. *Signed*, Ed. Randolph. *Endorsed*, Reed. 24, Read 28 May, 1700. *Copy.* 1¾ *pp. Annexed*,

67. i. Abstract of above. ¾ *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 10, 10. i. ; *and* 30. *pp.* 1–3.]

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Jan. 31. 68. Copy of some queries as to the legality of exporting timber from New England to any foreign country, drawn up by Sir Henry Ashhurst and answered by Ja. Howe, a lawyer. *Endorsed*, Recd. Read Jan. 31, $\frac{1669}{1700}$. 3 *pp.* [*Board of Trade.* New England, 10. *No.* 10.]

Jan. 31. Whitehall. 69. Journal of Council of Trade and Plantations. Order of Council, Jan. 25, about Newfoundland read and ordered to be communicated to Mr. Thurston.

Lord Bellomont's letters and papers (Nov. 18, 22, 29, and 30) and Report on Rhode Island, Nov. 27, 1699, laid before the Board. Letter of Nov. 22 read. Sir Henry Ashhurst attending, and being acquainted with Lord Bellomont's complaint of Mr. Partridge, L.G. of N. Hampshire, sending timber thence to Portugal, he communicated some queries he had drawn up, with the opinion of one Mr. How, a lawyer, upon that matter, and promised to bring some proposals about furnishing naval stores from New England as cheap as from Denmark or Norway. As to the paragraph in Lord Bellomont's letter of Aug. 28 relating to his salary as Governor of the Massachusetts Bay, he said he believed the Council and Assembly would not consent to settle a salary upon all Governors for the future, but that if H.M. should be pleased to write to them, or if this Board should do it, he doubted not but they might be persuaded to settle a suitable salary upon the Earl of Bellomont during his Government : and he desired their Lordships in case they should write such a letter to recommend to that Government the making of him some allowance for acting as their agent. [*Board of Trade.* Journal, 12. *pp.* 339–353 ; *and* 97. *No.* 20.]

Feb. 1. London. 70. J. Basse to Council of Trade and Plantations. Consonant to my promise when I waited on the Board, I enclose all my proceedings in the two Governments of the Jersies against pirates. If this be in any measure acceptable, I shall be emboldened to present your Lordships with all other proceedings whilst I continued in that station, with an account at large of the rise and progress of that division and disturbance in those Provinces, that I cannot believe will be concluded any other ways than by H.M. mandate to the people to obey the Governor appointed by the Proprietors, or taking them under his own immediate protection, which last I am very certain would be not a little grateful to all the unprejudiced, sensible men in both the Jersies. I enclose some Addresses that came home this last conveyance. *Signed*, J. Basse. *Endorsed*, Recd. Feb. 5, Read Feb. 7, $\frac{1669}{1700}$. $\frac{3}{4}$ *p. Enclosed*,

70. i. Journal of Governor Basse's proceedings relating to Pirates, 1698, 1699. $12\frac{1}{4}$ *pp.*

ii. Petition of the People in the County of Cape May to the Honble. Society of West New Jersey. The Commission you conferred on Gov. Basse was obstinately and furiously opposed by the Quakers here. We have maintained your authority against the violence of this powerful Conspiracy. It is the bent of their souls to meditate a

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revenge. The weight of their oppression and unsupportable partiality we have heretofore felt, the smart and terror whereof have drove some out of the Province and discouraged others to settle, which was the effect only of their natural avertion and professed alienation to the People of the World, as they style all out of their communion, but this fire of religious hatred being increased by our fidelity to you, and power by this new commission of Governor Hamilton being put into their hands, for what power is in him is executed by them, we know they will leave no stone unturned until they effect our ruin. For your own sakes, for ours and for the sake of the present Governor, who is highly disgraced and dammified by these sudden and surprising measures, and is a wrong we believe he hath no ways merited, no ill management during his short administration being justly chargeable to him, we humbly request you will reinstate him. 1 *p.*

iii. Address of the Representatives of East Jersey to Governor Bass. We being highly sensible of the great benefits this Province hath received by your prudent conduct of affairs, whereby our intestine feuds are in very great measure allayed, acknowledge your zeal and care and promise our support. The violation of our rights by the illegal power of our neighbours, whereby our trade is wholly obstructed, is the only burthen we now labour under. Deeming it a matter of the highest importance, we have raised money for the defence of our rights. Nothing can more avail towards the removal of our present grievances and supporting our privileges than your honour's appearing in person in England on our behalf. *Signed*, Edw. Earle, jun., Speaker. 1¼ *pp.*

iv. Copy of Proclamation for the arrest of Darby Mullin, pirate. Burlington. Oct. 9, 1699. 1 *p.*

v. Copy of Proclamation by Gov. Basse for the arrest of Capt. Kidd, etc. Aug. 24, 1699. 1 *p.*

vi. Copy of Proclamation by Gov. Basse against the Scotch at Darien, Aug. 1, 1699. 1 *p.* [*Board of Trade.* Proprieties, 4. *Nos.* 38, 39.i.–v.]

Feb. 1. **71.** Depositions relating to the conduct of Mr. Day in the Government of Bermuda.

71. i. Deposition of Basil Hill, Chyrurgion. Mr. Day several times in London attempted to suborn him to make a false oath against one Mr. Bellamy. *Signed*, Basil Hill. ¾ *p.*

ii. Deposition of John Dudgeon. Appointed Secretary of the Bermuda Islands, Governor Day so threatened him that he was forced to surrender his grant. *Signed*, Jn°. Dudgeon. ¾ *p.*

iii. Deposition of Isaac Richier. Governor Day forbad any actions to be entered against Col. Goddard by deponent and publicly justified Goddard's actions as Governor,

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how illegal soever. After stopping his suit in Court by contrivance with the Judge, Richard Stafford, he dismissed his appeal, and refused an appeal in the case of a sloop belonging to deponent wrongfully seized by Goddard, slighting the authority of law-books, saying the law was in his head and he would do as he thought fit, and boasting of his interest at Court and of his father's being a leading man in the House of Commons. He refused to obey H.M. order directing depositions to be taken by Commissioners on both sides in the matters between Col. Goddard and the deponent, and endeavoured to make John Rallins retract an affidavit he had made thereon. He discharged from the Council those who would not join with him and took in Col. Goddard's corrupt instruments. Col. Goddard had arbitrarily imprisoned and fined Mr. White: Mr. Day released him, but Nelson, his Judge, granted an execution for the fine, etc. *Signed*, I. Richier. 3 *closely written pp. Endorsed*, Recd. Feb. 1, $\frac{1699}{1700}$.

iv. Deposition of William Brice, made Dep. Marshall at Bermuda by Mr. Day. Mr. Day tried to persuade him to get the goldsmith at Major Burrows' to clip some money, and then having drawn in Major Burrows and as many of the richest men as he could, to inform against them, that he might seize their estates. Mr. Day offered to discharge Daniel Smith and Benjamin Griffin, in custody for piracy for £100 each: he kept the Church Plate for his own use and disposed of the books, sent by Dr. Bray for the Church Library, as his own. *Signed*, W^m^. Brice. *Endorsed as preceding.* 1 *p.*

v. Deposition of Henry Pulleine. Confirms W^m^. Brice's account of Governor Day's dealing with Benjamin Griffin. He refused sufficient bail tendered on Griffin's behalf. He imprisoned deponent as he was leaving for England and demanded 40*l.* for his clearings. He forced Jonathan Waterland, master of a ship, put in through stress of weather, to give him 8*l.* worth of linen and a young woman valued at 14*l.*, before he would allow him to sail, though he had the permit of the Collector Trott and the Naval Officer, Roger Crane. *Signed*, Henry Pulleine. 2 *pp.*

vi. Deposition of Matthew Newman. Confirms evidence of Richier. Day took away deponent's commission of Capt. of the Fort for taking Mr. Richier's part, and forbad the Captain of a ship to take him on board for England lest he should be evidence against him. He attempted to suborn deponent to declare that Mr. Richier had drunk the late King James' health. *Signed*, Matthew Newman. 3 *pp. Endorsed*, Recd. Feb. 1, $\frac{1699}{1,00}$.

vii. Deposition of Jonathan Ward, late Provost Marshall of Bermuda. Gov. Day suspended him because he would

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not promise to forbear executing warrants against Col. Goddard, Mr. Nelson, etc. Confirms depositions of Brice and Pulleine. *Signed*, Jonathan Ward. 2½ *pp. Endorsed as preceding.*

viii. Abstract of above. 3¼ *pp. Endorsed*, Reed. from Mr. Richier, Feb. 1. Read Feb. 6, $\frac{16^{\cdot}9}{1700}$. [*Board of Trade.* Bermuda, 4. *Nos.* 11, 11.i.-vii.]

Feb. 1. Jamaica. **71.** Governor Sir William Beeston to the Council of Trade and Plantations. I have received your letter of Oct. 12 with the list of some persons proposed for the Council, and according to your commands return an impartial account of them, and a list of such as I think of the best interest and parts. Your commands shall be fulfilled, when any Assembly sits again, in entituling the Acts to the time of the session, and in sending more duplicates. I think there will be but little need of an Assembly till the laws grow near out and must be renewed, for the making so many laws in a country is but a burthen to it, neither are one half of them observed as they ought to be. The two Spaniards that I have formerly mentioned with others to have taken two New England vessels bound hither were found guilty of piracy, and with one Smithers, who I am told is the Minister's son of Cripplegate, were all hanged. This I mention because I know the Spaniards hold all their people to be sacred and perhaps may complain of it; but they owned the fact and were justly condemned; and I'le serve all the rest so, that I can have just proof against, which I think will be the only means to cause them to leave off their insults, which on all occasions they make upon our small vessels. I have only mentioned our want of people that you might perfectly know our condition, not with any expectaneys your Lordships should furnish, nor would there be need if we were but healthy, for I believe since 1698 at least 1,000 people have been imported, but perhaps ⅔ of them are dead, nor do our doctors find the way to cure many. The Company of soldiers have been disbanded ever since July 1, when their money was out, and I have long since sent home the account of the receipts and payments of that money, which I should be pleased to hear were settled. I cannot blame Capt. Webb for making the best of an ill action, and what he says in his letters to your Lordships may be true for ought I know, but several letters and depositions sent me from that Island say otherwise. and declare it a piece of hardship. There has been negroes ranne away from Rio de Hache, and other places of the Spaniards to this Island, and on the application of their masters I have sent them back. But 20 of ours that ran away to Trinidadoe on Cuba, when I writ to the Teniente and Alcaldes to desire them to return them, their answer was their King protected all that fled to him for succour and that it was beneath his dignity and honour, when he had so protected any, to let them be returned to their former state. But this is only an excuse, for at first they promised to return them or the full value in money, but when I sent a sloop

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for them (*or*) for the money, they sent the aforesaid answer and kept all to themselves. All that we desire is that they may have order to return our runaways as we do and will do theirs.

The storehouses are finished and of great use and so is Fort Charles with all the advantage the ground will afford. Capt. Lilly would have had it built in another figure, but that was more to shew his desire it might be done by his directions than of any use, for, as he proposed, there would have been much less room, and the spurs were not capacious enough to contain any guns. I had the approbation of all people in in the figure I proposed, and it's not only very useful but very beautiful also. The next public work we go about is to lay a line of thirty or forty guns in good stone work to the eastward of Fort Charles, which guns will lie right up the channel where all ships come in, and make the place not easy to be attempted by sea. If, may it please your Lordships the other islands have more men fitting for Judges or Officers than we have, they may be the better contented with the Act, but there are not so few as 3000 negroes imported in a year here, and everyone of note hopes to be concerned in the disposal of them for themselves or friends. This last week a vessel from Guiny sold her negroes to the country for 38*l.* per head, at which rate it is impossible for planting to increase in this island or any new Plantations to be made. The same ship that brought me your Lordship's letter, brings me advice that instead of being removed and having leave to return for England, H.M. as a farther mark of his kindness to me has advanced me to a greater dignity, and that besides H.M. kindness much of it is owing to your Lordships' recommendation. This is a troublesome and an uneasy Government by reason of its situation and the many contingencies that thereby happen here more than in other Plantations, which are concerned only for their planting interest, and I grow also into years which makes it the more uneasy to me, nevertheless since H.M. has been graciously pleased to show me such signal marks of his favour, and your Lordships also seem to accept of my management, I will do the best I can to continue so long as I am able, and when I am growing past being able to discharge my duty as I ought to do, I will beg leave to be released. I am in great hopes that you will recommend the Act in my favour, it being not without precedent, to Sir Henry Morgan here and always done in Barbados, and was truly done here because the Council know well I have but 1000*l.* per annum and never aim at less expense than 1800*l.* or more, which overplus is from my own estate (for the perquisites now are nothing), or else I must live sneakingly and dishonour H.M. Government. *Signed*, W^m^. Beeston. The Scotch continue on at Darien and have sent 5 or 6 men hither in one of our boats. I have clapt the Master in prison for his disobedience and seized the sloop and what small things they brought with them. I am just now favoured with your Lordships' letter of Nov. 9. *Endorsed*, Recd. April 17. Read April 30, 1700. *Holograph.* 2¼ *pp. Enclosed*,

1700.

71. i. List of persons recommended for the Council of Jamaica by Gov. Sir W^m. Beeston. I cannot guess who should give your Lordships that list of persons fitting for Councillors, whose abilities and characters I will faithfully give, as having no prejudice to any of them, though I cannot think that office, of so great reputation here, ought to be subjected to any but such as are fitting, and not to everyone's recommendation, who do it for friendship or interest :—

(1.) Col. Freeman would have been fitting but is dead some months since.

(2.) Capt. Hall is also dead. Were he alive no man in this island would think him fitting.

(3.) Capt. John Walters is very fitting ; of good estate and understanding and is one of the Judges of the Grand Court.

(4.) Dr. Bonnor is a staid man, but he refused my offer to recommend him 4 years since and I thought it was not reasonable to subject H.M. favours to those who refused them.

(5.) Major Halse not long since kept a tavern : his wife now keeps a retail shop : he is old, lives 30 miles from town and is of very indifferent parts.

(6.) Mr. Phelps is but a Lieutenant, of pretty good estate but indifferent parts.

(7.) Major Holdsworth is an ingenious man, but lives 100 miles from town, nor is his interest as yet very considerable.

(8.) Mr. Moreton has married a widow, by whom he has a good estate : he has been but a small time in the Island and may be envied if he rise so soon.

(9.) Capt. Hudson has lived long formerly in the island, and has a wife and children in London : he is a good understanding man, but has, since he came last, refused all places, civil and military, and so I believe would this, being here only for some time to get money and then intends to return for England.

(10.) Mr. Kent is a young merchant here on the same hopes. And now who to name that are fitting, especially such a number as 12, is beyond my ability, there being no men left in any of the precincts that are fitting for any of the great officers, Civil or Military, but those who are already in Commission, and if any of them should die or go off, I shall be at a great loss to fill their vacancies. But there's now 10 in the Council, unless your Lordships will please to recommend Capt. John Walters and Mr. Emanuel Moreton. To fulfill your commands I will put down the best and most proper in the Island, though 20 years since, when there were many Gentlemen here, none of these would have been thought fitting :—Capt. Walters, Mr. Moreton and Major Holdsworth as above : Sir Thomas Modyford,

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Bart., grandson of Sir Thomas, Governor in Charles II.'s time; a young man of good parts and fine estate; Lt. Col. Charles Sadler of Port Royal, of a good interest and a settled family there; Major Charles Hobby, merchant of Port Royal, *ditto :* Capt. Edmund Edlyne at St. Andrews, formerly Receiver General, *ditto :* Capt. Thomas Clarke, junior, of the same place, and a man of good parts and estate, first Commissioner of the Admiralty Court : Major Francis Rose of St. Thomas in the Vale, of good interest and a settled family : Mr. John Peeke and Mr. Charles Long, both young men of very good parts and estates, sons of Councillors. Mr. Long's father was Chief Justice. Major Valentine Mumbey of Vere, a rising man and of good interest. Of these I recommend to your first preferment, Capt. Walters, Mr. Moreton and Sir Thomas Modyford and Capt. Edlyne. Capt. Banister has been so long afflicted with the gout that he cannot stir abroad, so that in effect there is now but 9 in the Council ; therefore it will be no prejudice if your Lordships think fit to recommend these four. 5 *p.*

ii. Duplicate of preceding. *Endorsed as letter.* 1½ *pp.* [*Board of Trade.* Jamaica, 9. *Nos.* 15, 15 i., ii. ; *and* 57. *pp.* 46–56.]

Feb. 1. **72.** Council of Trade and Plantations to the King, enclosing following draughts of letters for signature. We humbly crave leave to propose, in relation to the Province of East and West New Jersey, that because of the right of Government which we conceive to be in your Majesty, and is yet under dispute with those Proprietors, that the directions of such letters be to *Such as are in the present execution of the Government* of East and West New Jersey. *Signed*, Stamford, Lexington, W^m^. Blathwayt, Jn^o^. Pollexfen, Abr. Hill. [*Board of Trade.* Plantations General, 35. *pp.* 163, 164.]

Feb. 1. **73.** Draft of a letter, for His Majesty's signature, to Ralph Grey, Gov. of Barbados, for sending to England such pirates as are or may be seized in the Island. You are to send hither in safe custody all pirates in prison in Barbados at the time of your receiving this, and also the witnesses and other evidences which may be of use towards their conviction here. As for pirates that may be seized in Barbados for the future, if you judge by the circumstances of any particular case and by the laws in force and disposition of the people that such pirates may be more speedily and effectually brought to punishment there than by sending them hither, you are to take care that they be tried there, and punished accordingly. But if you judge otherwise, you are to send them hither, and in both cases to take care that their goods and effects be secured. *Signed*, Jersey. *Mem.* H.M. signed this letter Feb. 10, $\frac{1699}{1700}$. [*Board of Trade.* Barbados, 45. *pp.* 25, 26.]

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74. Similar letter *mutatis mutandis* to Sir W^m. Beeston, Governor of Jamaica. [*Board of Trade.* Jamaica, 57. *pp.* 9, 10.]

75. Similar letter, *mutatis mutandis*, to Christopher Codrington, Governor of the Leeward Islands. [*Board of Trade.* Leeward Islands, 46. *pp.* 30, 31.]

76. Similar letter, *mutatis mutandis*, to Francis Nicholson, Governor of Virginia. [*Board of Trade.* Virginia, 37. *pp.* 380, 381.]

77. Similar letter, *mutatis mutandis*, to Nathaniel Blakiston, Governor of Maryland. [*Board of Trade.* Maryland, 9. *pp.* 478–480.]

78. Similar letter, *mutatis mutandis*, to Richard, Earl of Bellomont, Governor of Massachusets Bay, New York and New Hampshire. Begins as (No. 73.) but adds, "Provided always that our directions herein do not in any wise contradict, alter or interfere with any former orders relating to Kidd or any other pirate signified to you by us." [*Board of Trade.* New York, 54. *pp.* 79–81; *and* New England, 37. *pp.* 268–271.]

79. Similar letter, *mutatis mutandis*, to Samuel Day, Lt. Governor of Bermuda. Begins as No. 73., but with regard to pirates seized in future directs:—"Which method of sending pirates hither . . . . you are upon pain of our displeasure in like manner to observe from time to time as a standing rule" . . . . [*Board of Trade.* Bermuda, 29. *pp.* 251, 252.]

80. Similar letter, *mutatis mutandis*, to the Lords Proprietors of Carolina. [*Board of Trade*, Proprieties, 26. *pp.* 149, 150.]

81. Similar letters, *mutatis mutandis*, to W^m. Penn, Proprietor and Governor of Pennsylvania, to the Governor and Company of Connecticut, the Governor and Company of Rhode Island, and "to such as are in the present in execution of the Government of East and West New Jersey." [*Board of Trade.* Proprieties, 26. *pp.* 150–152; *and* Plantations General, 35. *pp.* 165–171.]

Feb. 1. Kensington. 82. Order of King in Council approving of above drafts and ordering their preparation for H.M. signature. *Endorsed*, Reed. Feb. 2, $\frac{1699}{1700}$. $\frac{1}{2}$ *p.* [*Board of Trade.* Plantations General, 5. *No.* 43; *and* 35. *p.* 172.]

Feb. 1. Admiralty Office. 83. J. Burchett to W^m. Popple. My Lords of the Admiralty having received H.M. Order in Council, Jan. 25, will give the necessary orders for the timely sending those things to Newfoundland in the ships of war, exeept the Boom, which they conceive must be procured in the country. But that they may be the better enabled to give effectual directions in relation to the chain, they desire to know what length it ought to be, and if you have by you any draught of the Harbour of St. John's wherein

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it is described where the boom and chain is to be placed, I desire you will send it me. *Signed*, J. Burchett. *Endorsed*, Recd. Read Feb. 2, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Newfoundland, 4. *No.* 3; *and* 25. *pp.* 342, 343.]

Feb. 1. Whitehall. **84.** Journal of Council of Trade and Plantations. Letter from Mr. Secretary Vernon, Jan. 29, with petition of Capt. Joslin Mead, read.

Memorial from the Royal African Company in answer to the French Ambassador read. Ordered that they be desired to state what proof they have of any satisfaction promised by the Court of France before the war for injuries done unto them, as intimated.

Representation with draughts of letters to Governors about pirates sent to the Council Board.

Lord Bellomont's letter, Oct. 24, about the affairs of Massachusets Bay read. Mr. Charles Nodin summoned to attend.

Feb. 2. Letter from Mr. Burchett, making enquiries about the harbour of St. John's, read. Extract of Representation of March 3, 1698 ordered to be sent him. Letter of Lord Bellomont, Oct. 24, read. With regard to his remarks about the convoying of salt ships, letter ordered to Mr. Burchett desiring the Lords Commissioners of Admiralty to give instructions to Captains of H.M. ships in those parts, as they shall understand to be requisite in pursuance of their own report, May 27, 1697. As to Captain Mitchell's insult to his Lordship at Jamaica, ordered that Mr. Burchett be desired to let this Board know what the Admiralty have done therein. As to the sending of a minister of the Church of England to Rhode Island, instructions were given for a letter to the Lord Bishop of London. Mr. Weaver and Mr. Brenton were summoned to attend.

Mr. Solicitor General having sent to the Board the draft of a Bill prepared by himself to punish Governors of Plantations, ordered that he be desired to attend. [*Board of Trade.* Journal, 12. *pp.* 354–358; *and* 97. *Nos.* 21, 22.]

Feb. 2. Maryland. **85.** Governor Blakiston to the Council of Trade and Plantations. I humbly acknowledge the honour of yours of June 26. I have, as directed, enclosed a copy of Mr. Thomas Lawrence's commission, and do not find there is any other Patent Officer in this Province. By the best information I have he gives a general satisfaction. I am obliged by one of H.M. Instructions to transmit to your Lordships the entries and clearings with the commodities exported and imported and the names of all shipping coming and going out of this Province, which I have carefully always done to the Commissioners of H.M. Customs. The latter paragraph of the Instruction commands me to transmit quarterly the said list of shipping, etc., but I humbly crave leave to inform your Lordships that it is not practicable, for there are few or no ships goes out of this Province but from Feb. to June, after which time the worm begins to molest them, and no ship comes in but by

1700.

great chance from the middle of March till October or November. I must acquaint you of the receipt of a letter from the Lords Justices, July 25, 1699, with their commands to me about detecting illegal traders, which I hope I have not been wanting in duly putting in execution the Acts of Trade and Navigation, and I am farther enjoined by their Excellencies to see that the officers of H.M. Customs and those belonging to the Admiral have all imaginable regard and assistance, which I can assure your Lordships they have effectually in this Province. I have not been wanting to assist Col. Quary to the utmost of my power in Pennsylvania. Mr. Penn is now come over, who I hope comes with a resolution to discountenance all those which have been active in the great enormities of opposing H.M. interest. The Bay is almost frozen over, so that we have not had any late accounts from thence. Your Lordships was pleased to intimate to me that the man-of-war, which was directed to attend this Province, was of the sixth rate; who is arrived safe here, of which I have also acquainted the Admiralty. She is the Advice-boat, *Messenger*, Capt. Peter Cood, who, by the little experience I have had of the gentleman, will, I am confident, be very diligent in the discharge of his duty. I look upon her fitting enough to be in quest of illegal traders, but she is very small; she has not above four guns and four patareros, she has indeed 40 men, but is not very capable of engaging with the great seas without the Capes, unless it be two or three months in the year to go towards Delaware Bay and to join the man-of-war at Virginia, as he is directed, if occasion be. I will endeavour she shall be industriously employed while in this Province. The commands your Lordships are pleased to enjoin me concerning pirates being countenanced in H.M. Plantations, I hope what little of that affair has come within my cognizance your Lordships will be too favourable to acquit me of any imputation that way, for I have never heard of any that has been in this Province but Theophilus Turner, whom I secured and have sent for England according to the commands I received from Mr. Vernon. I hope your Lordships have received the Journals of the Council and Assembly with the Body of Laws which I transmitted, Aug. 28. I should very much joy to have your favourable opinion of my earnest endeavours of acquitting myself as became me in that Assembly. I may justly affirm the inhabitants are all very easy and satisfied under my management. *Signed*, N. Blakiston. *Endorsed*, Recd. May 13. Read May 14, 1700. 4 *pp. Enclosed*,

85. i. Abstract of above.
ii.–vi. Memoranda of enclosures.—Copy of Mr. Laurence's Commission to be Secretary of Maryland; Naval Officers' list of ships entered and cleared at Patuxent, May 9, 1698–July 4, 1699; List of same at Portwilliamstadt, Sep. 7, 1698–Aug. 4, 1699; Naval Officer's list of ships entered Nov. 29, 1698–July 2, 1699, and cleared May 6, 1698–Aug. 2, 1699, at Port Annapolis; List of ships entered and cleared in Pocomoke Division, Sept. 5, 1698–June 22, 1699. [*Board of Trade.* Maryland, 4. *Nos.* I., I.i.–vi.; *and* 9. *pp.* 484–489.]

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Feb. 2. 86. William Popple to Mr. Burchett. The Council of Trade and Plantations desire you to lay before the Commissioners of the Admiralty the enclosed extract of Lord Bellomont's letter, Oct. 24, that instructions may be given in pursuance of the Lords Justices' order on the report of May 27, 1697. Their Lordships desire to know what the Lords of the Admiralty have done with regard to the affront done to Lord Bellomont by Capt. Mitchell, Commander of the *Falmouth*, at Jamaica. [*Board of Trade.* New England, 37. *pp.* 296, 297.]

Feb. 2. Whitehall. 87. Mr. Secretary Vernon to the Council of Trade and Plantations, enclosing the petition of Sir Thomas Lawrence. *Endorsed*, Recd. Feb. 2. Read Feb. 5, $\frac{1699}{1700}$. *Enclosed*,

87. i. Petition of Sir Thomas Laurence, Bart. Having served H.M. about six years as Secretary in Maryland, petitioner applies for the Government of Bermuda. *Signed*, Thomas Laurence. 1 *p.*

ii. Tho. Littleton to the Council of Trade and Plantations, supporting the candidature of Sir T. Lawrence. Feb. 6, $\frac{1699}{1700}$. 2 *pp.* [*Board of Trade.* Bermuda, 4. *Nos.* 12, 12. i., ii.; *and* 29, *pp.* 253, 254.]

Feb. 2. 88. Minutes of Assembly of Barbados. Charges of Grand Sessions reported on by Committee and ordered to be paid. Concurrence of His Excellency and Council desired. [*Board of. Trade.* Barbados, 65. *pp.* 463, 464.]

Feb. 2. 89. Minutes of Council of Barbados. Act to secure the possession of Slaves read a second time with amendments and sent down. Act for the placing of servants read the first time. [*Board of Trade.* Barbados, 65. *p.* 486.]

Feb. 2. Whitehall. 90. Mr. Popple to Mr. Burchett. The Council of Trade and Plantations command me to send you an extract of their representation, March 30, 1698, and the draught of the harbour of St. John's as desired. They also command me to send you the enclosed extract of a letter from Lord Bellomont, Oct. 24 last, relating to the sending of H.M. ships of war to convoy the salt ships in the winter, which they desire you to lay before the Lords of the Admiralty, that such instructions may be given to the Captains of H.M. ships as they shall understand to be requisite in pursuance of their report, May 27, 1697, and the Order of the Lords Justices in conformity thereunto (*See. Cal.* A. & W. I. 1697, *No.* 1044.) Lord Bellomont having in the same letter acquainted their Lordships that he has writ to the Lords of the Admiralty about an affront done unto him by Capt. Mitchell, H.M.S. *Falmouth*, at Jamaica, they desire to know what the Lords of the Admiralty have been pleased to do thereupon. [*Board of Trade.* Newfoundland, 25. *pp.* 344, 345.]

1700.
Feb. 3. Admiralty Office.

91. J. Burchett to Mr. Popple. I will take the first opportunity of communicating your letter, Feb. 2, to my Lords of the Admiralty. In the meantime I send copies of instructions sent to Lord Bellomont. As to the length of the chain to be sent to Newfoundland my Lords will be enabled to give the necessary directions from the extract of the Representation enclosed in your letter. Capt. Fairborne, who commands in chief to Newfoundland, will attend the Lords of the Council of Trade within a few days to receive instructions. *Signed*, J. Burchett. *Endorsed*, Recd. Read Feb. 5, $\frac{1699}{1700}$. 1 *p.* *Enclosed*,

Jan. 10. Admiralty Office.

91. i. Lords Commissioners of the Admiralty to Governor the Earl of Bellomont. In accordance with your representation to us you are hereby empowered, at such time of the winter as the men-of-war cannot be employed in the service of New England and New York, to send the biggest ship to Barbadoes and the lesser ship to the Leward Islands to convoy the merchant ships trading from New England to those places and so repair to the Salturtudoes with their convoys, there to remain till the merchant-ships under their convoy are laden with salt and then return to New England. And in case you shall at any time find it absolutely necessary to employ either one or both of the ships on any other service, either for intercepting pirates or protecting the trade of H.M. subjects, we empower you to do the same; but your Lordship is to take particular care to give the commanders of the men-of-war such orders as that they may proceed on this service and return to New England and New York again, at such a season of the year as shall be judged most convenient, that so the Governments of New England and New Yorke may have as much service from the said ships as possibly may be. *Signed*, J. Bridgewater, Haversham, D. Mitchell, G. Churchill. *Copy.* 1 *p.*

Jan. 22.

ii. Lords Commissioners of the Admiralty to Governor the Earl of Bellomont. Jan. 22, '99 (1700). With regard to the complaint you make of Captain Mitchell [*See Cal.* 1699, *Nos.* 890, 890, xv.] as their Lordships will be very far from justifying any captain in H.M. service in unbecoming and disrespectful actions towards your Lordship, so are they obliged to encourage them in the doing what their Instructions and the Custom of the Sea obliges them to. In this particular they think Capt. Mitchell has done his duty, for such care has been always taken of the honour of H.M. colours, that so his ships of war may be distinguished from those belonging to private persons, that even those who have had from this Board in the late war commissions as privateers, or letters of marque or reprisals, have constantly been obliged to wear such colours as differ from those worn by H.M. own ships. And not only this care has been

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taken by public proclamations with respect to such privateers, etc., but even the vessels employed by any public office in the Kingdom, such as the Customs, Post Office, Victualling and the like, have thereby been strictly forbid to wear the colours born by His Majesty's own ships, and at all times upon meeting with any of the King's ships they have and do salute and pay the respect due unto them. *Copy.* 1¼ *pp.* [*Board of Trade.* New England, 10. *Nos.* 11, 11.i.–ii.; *and* 37. *pp.* 298–302; *and*, (*without enclosures*), Newfoundland, 25. *pp.* 346, 347; *and*, (*memorandum of letter only*), 4. *No.* 4.]

Feb. 5. Whitehall. **92.** Council of Trade and Plantations to the Lord Bishop of London. We enclose a copy of a petition from the inhabitants of Rhoad Island for assistance towards settling a Minister of the Church of England there, sent us, Oct. 24 last, by the Earl of Bellomont, with an extract of what he writes about it. (*See Cal.* 1699. *Nos.* 890, 890, xix.) *Signed*, Stamford, Lexington, Ph. Meadows, W^m^. Blathwayt, Jn^o^. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Proprieties, 26. *p.* 153; *and* New England, 37. *p.* 297.]

Feb. 5. **93.** Petition of George Golding, Provost Marshal of Jamaica, to the Council of Trade and Plantations. Appointed to hold this office, by himself or deputy, Aug. 1692, petitioner never farmed it nor hath as yet made any profit by it. To prevent farming, the residence of all future Patent Officers was commanded by Order in Council, Feb. 16, 1698 (9). In order to lessen H.M. prerogative and to get the chief offices into their own power, some persons in Jamaica have lately obtained an Act of Assembly, the preamble of which insinuates that patentees put in unqualified deputies who take exorbitant fees, and the enacting part that patentees shall execute in their proper persons. Petitioner's fees are settled by the laws of the island: deputies give great security for the due execution of the office: it is H.M. prerogative to grant offices and power to patentees to appoint deputies. By the Act, the Governor and Council are to appoint in case the Patent Officers do not execute in person or go off the Island, which must be frequently done. Petitioner prays that the Act may not be confirmed or that his office be excepted out of it. 1 *large p. Endorsed*, Recd. Read Feb. 5, $\frac{1699}{1700}$. [*Board of Trade.* Jamaica, 9. *No.* 9; *and* 57. *pp.* 11–13.]

Feb. 5. Whitehall. **94.** Journal of Council of Trade and Plantations. Letter of Mr. Secretary Vernon with Sir Tho. Lawrence's petition read.

Letter of Mr. Samuel Allen, New Hampshire, Sept. 30, giving an account of the difficulty he found to recover any rents due to him from the inhabitants, read.

Petition of George Golding against a late Act of Jamaica read and ordered to be taken into consideration with the said Act.

Mr. Burchett's reply, Feb. 3, read. Ordered that what relates to Lord Bellomont be signified to him.

1700.

Mr. Charles Noden, attending, said he was part owner of the *Fidelia* [*Cal.* 1699, *No.* 890, etc.] The ship was sent hence on a trading voyage to Madagascar and returned to the West Indies with negroes, and the last news they had of the M^r^. was from Providence in the Bahama Islands. Whereupon being told that she was come to Boston under the command of one Syms, who had received her from Rogers, the former Master, in truck for a sloop, he said he had not heard anything thereof. Mr. Nodin being also asked about Capt. Bennet, in favour of whom he had signed a recommendatory certificate, said he had known him long and believed him to be a fair, honest man.

Letter to the Bishop of London, about a Minister for Rhode Island, signed.

Feb. 6. Depositions about Mr. Day's conduct at Bermuda read. Secretary ordered to write Sir Tho. Day for his speedy answer to the heads of accusation.

In reply to the petition from Mr. Dellius, late Minister of Albany, praying for copies of all papers that have been sent to this Board against him, ordered that he be acquainted that when there are any proceedings against him at this Board he shall have notice of it and copies of such papers as may be proper, but till then their Lordships do not think fit to give copies of papers that lie before them.

Mr. Weaver acquainted their Lordships with the difficulty he found to get money out of the Treasury for the subsistence of the soldiers at New York, and desired a favourable recommendation from this Board to the Treasury. Letter to Mr. Lownds ordered accordingly. Being asked about the fees of Naval Officers at New York mentioned in Lord Bellomont's letter, Oct. 24, as reduced so low that such an officer could not subsist upon them, he said Lord Bellomont had been obliged to diminish those fees very much to gratify the last Assembly, who were bent upon having it done. Whereupon, considering that by the late Act for preventing frauds, etc. the place of Naval Officer in all the Plantations is made dependent on the Commissioners of H.M. Customs here, and Lord Bellomont having writ to them upon that subject, ordered that the Secretary enquire of Mr. Sansom what they have done therein.

M^r^. Solicitor General discussed the Bill prepared by him for punishing Plantation Governors.

Mr. Morgan and several other M.P.'s accompanying Mr. Woollaston, recommended him as an ingenious and honest man and very fit to serve H.M. in the Government of Bermuda. [*Board of Trade.* Journal, 12. *pp.* 358–362; *and* 97. *Nos.* 23, 24.]

Feb. 6. **95.** Godfrey Dellius, late Minister at Albany, to the Council of Trade and Plantations. Petitions for copies of papers sent to the Board against him. *Signed*, G. Dellius. *Endorsed*, Recd. Read Feb. 6, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* New York, 9. *No.* 8.]

1700.

Feb. 6. 96. Minutes of Council of Massachusetts Bay. His Excellency read H.M. and other letters relating to the sending of Kidd and other pirates, etc. by H.M.S. *Advice*. Ordered that some of the pirates in custody be put on board forthwith, and that the Commissioners entrusted with their effects deliver them to such person as the Earl of Bellomont shall think fit in order to the remitting them to England by the *Advice*.

Ordered that Benjamin Alford be reimbursed 100 pieces of eight advanced by him for the relief of Robert Carver of Salem, Mariner, now captive in Sally.

Feb. 7. Letters from Gov. Winthrop of Connecticut and Mr. Sabin of Woodstock, relating to a conspiracy of the Indians against the English, were communicated by the Earl of Bellomont. Ordered that Gov. Winthrop be thanked and requested to endeavour the taking of Toby, an Indian, reported to have been a principal instrument in spreading lying reports, etc. to the Indians.

Letters ordered to be written to Major Church, Major Tyng, Major Hammond and Capt. Hill, Commander of H.M. Fort Mary at Saco, to advise them of the combination of Indians, and that they endeavour to disabuse and undeceive them, to apprehend Toby, and to excite their vigilance in observing the Indians' motions and behaviour.

40*s*. paid to John Ingolls, who was sent with the express from New Oxford. [*Board of Trade*. New England, 49. *pp*. 268–271.]

Feb. 7. 97. Copy of the Earl of Bellomont's Commission to John Chiampanti, constituting him Agent of New York, Sept. 18, 1699. *Endorsed*, Communicated to the Board by Mr. Chiampanti. Recd. Read Feb. 7, $\frac{1699}{1700}$. 1½ *pp*. [*Board of Trade*. New York, 9. *No*. 9; *and* 54. *pp*. 83, 84.]

Feb. 7. Whitehall. 98. William Popple to Mr. Lownds. The Lords Commissioners for Trade and Plantations desire your favourable assistance to Mr. Weaver in his application to the Treasury for payment of the subsistence due to H.M. forces at New York upon the new establishment, the want thereof being a great hardship, not only to the forces, but to the Earl of Bellomont himself, who has engaged his own credit for their support, and Mr. Weaver being forced, as he says, to remain here on purpose till it be obtained. [*Board of Trade*. New York, 54. *p*. 82.]

Feb. 7. Whitehall. 99. Council of Trade and Plantations to Governor the Earl of Bellomont. We cannot return answer to your many letters at this time by reason of the short warning we have from Mr. Weaver of a ship's departure. We are daily making what progress we can in all the matters that you write about, and hope in a very short time to give you a particular account thereof. *Signed*, Stamford, Ph. Meadows, W^m^. Blathwayt, Jn^o^. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade*. New York, 54. *p*. 85; *and* 44A. *No*. 33.]

1700.
Feb. 7. Whitehall. **100.** Mr. Popple to Mr. Sansom. The Earl of Bellomont having informed the Lords Commissioners for Trade and Plantations that the General Assembly of the Massachusetts Bay had reduced the fees of the Naval Officer there so low that they are not sufficient for the bare subsistence to an honest man, and that he had been obliged in compliance with the General Assembly of New York to do the same thing in that Province, so that there is great need a further encouragement should be given to those officers some other way, and that he had writ to the Commissioners of H.M. Customs upon the subject, their Lordships considering that the place of Naval Officer in the Plantations has by the late Act *for preventing frauds and regulating abuses in the Plantation Trade* been made dependent on the Commissioners of the Customs here, desire to know what they have done in that matter. [*Board of Trade.* New England, 37. *pp.* 308, 309.]

Feb. 7. Whitehall. **101.** Journal of Council of Trade and Plantations. Mr. Brenton, informed that Lord Bellomont pressed for his return to his employment in New England, said the occasion was the determination of two appeals he had brought thence and laid before H.M. in Council.

Letter from Governor Bass, Feb. 1, read.

Letter written to Lord Bellomont.

Letter from W^m^. Partridge and Benjamin Jackson, Sept. 25, with their report upon Naval Stores in New England read.

Mr. John Chiampanty presented Lord Bellomont's Commission constituting him Agent for New York in Mr. Weaver's stead.

Letter from Sir Thomas Littleton, Feb. 6, recommending Sir Tho. Lawrence, read.

Letter from Lord Bellomont, Nov. 6, 1699, read.

Feb. 8. Acts of Jamaica, Dec. 1698, were read. Ordered that Mr. Crips be asked whether he object to the Act to enable Trustees to sell part of the lands of James Crips deceased. Their Lordships, having considered the objections of Mr. Lloyd to the Act appropriating £1500 to the use of the Rt. Hon. Sir W^m^. Beeston, Kn^t^., did not judge them of weight to hinder H.M. approving of the Act.

Secretary ordered to write to Mr. Burchett to know what account the Admiralty have of the two Commissioners sent by the Navy Board about Naval Stores to New England.

Feb. 9. Mr. Sansom's reply, Feb. 8, read.

Lord Bellomont's letter, Nov. 29, 1699, considered. Extracts about the pirate Gillam ordered to be sent to the East India Company, with intimation that it may be convenient that they secure what evidence they can against him for his trial here. Extracts relating to pirates' goods in Governor Cranston's hands and about Mr. Gardner, Dep. Collector of Rhode Island, ordered to be sent to the Lords of the Treasury. Extract about the designs of the French in fortifying the East coast of New England ordered to be sent to the Earl of Jersey to be laid before His Majesty.

1700.

Lord Bellomont's letter, Nov. 30, 1699, read, and upon consideration of his Report about Rhode Island directions were given for a Representation.

Mr. Stepney communicated an agreement, in Latin, between M. Pretorius, Envoy from the Duke of Courland, and several merchants in London relating to Tobago, Dec. 1699. [*Board of Trade.* Journal, 12. *pp.* 363–367; *and* 97. *Nos.* 25–27.]

Feb. 8. Kensington. **102.** Order of King in Council, approving of enclosed report of the Office of Ordnance and directing accordingly. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Feb. 12, $\frac{1699}{1,00}$. ¾ *p.* *Enclosed*,

Feb. 7. 102. i. Report of the Office of Ordnance to the Earl of Romney, Master General of H.M. Ordnance. We are now ready to send men and materials over for the finishing the old fortifications and making such new ones as seems most necessary for the security of St. John's in Newfoundland, and conceiving it will be absolutely necessary for the carrying on of these works that the soldiers be employed, we hope H.M. will be pleased to direct that orders be given to oblige them to work, and for their encouragement we propose to allow each man 6*d. per diem*. We shall give directions to our Engineer to build barracks of stone and loome, but in case he should find it very difficult and expensive, then we propose that they should be built with timber boarded outside and inside and the chimneys of stone, which in our opinion would be as secure from fire, as warm and as serviceable. We cannot think it for H.M. service that any building there should be of brick, in respect of the vast charge of sending the lime and bricks hence. As to the other demands of the Company, we shall take care to send what belongs to our office. *Signed*, C. Musgrave, Lowther, W^m^. Boulter. 1½ *pp.* *Copy.* [*Board of Trade.* Newfoundland, 4. *Nos.* 5, 5.i.; *and* 25. *pp.* 347–350.]

Feb. 8. Custom House London. **103.** Mr. Sansom to Mr. Popple. In answer to yours of yesterday relating to the Naval Officers at New England and New York, the Commissioners have not yet had time to come to any resolution upon my Lord Bellomont's letter thereupon. *Signed*, Jn^o^. Sansom. *Endorsed*, Recd. Read Feb. 9, $\frac{1699}{1700}$. ½ *p.* [*Board of Trade.* New England, 10. *No.* 13; *and* 37. *p.* 336; *and*, (*memorandum only*), New York, 9. *No.* 10.]

Feb. 8. Kensington. **104.** Order of King in Council referring enclosed memorial from the Admiralty to the Council of Trade and Plantations for their report upon this matter and as to what dimensions of timber are prohibited by the Swedes from exportation. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Feb. 13, $\frac{1699}{1700}$. ¾ *p.* *Enclosed*,

1700.
Feb. 5. 104. i. Lords of the Admiralty to the King. It having been represented to this Board that the inhabitants of Massachusetts Bay continually cut down the best trees, which are fit for use in H.M. Navy Royal, and carry them to their mills, where they convert them into boards, to the great prejudice of H.M. service, and whereas by the last clause of the Charter, granted the colony in 1691, it is particularly provided that no trees fit for the use of H.M. Navy should be cut down without the Royal Licence, we humbly propose that directions be forthwith sent to the Earl of Bellomont to establish such law or laws as may effectually preserve the trees in all the parts of his government that are or shall be fit for H.M. service according to the intent of the reserve made in the aforesaid charter. *Signed*, J. Bridgewater, D. Mitchell, G. Rooke, Geo. Churchill. *Copy.* 1 *p.* [*Board of Trade.* New England, 10. *Nos.* 12, 12.i.; *and* 37. *pp.* 375–377.]

Feb. 9. Whitehall. 105. W^m^. Popple to Mr. Burchett, asking for an account of the two Commissioners sent by the Navy Board about Naval Stores to New England. [*Board of Trade.* New England, 37. *p.* 338.]

Feb. 10. Admiralty Office. 106. Mr. Burchett to Mr. Popple. The Navy Board being now in hand with a survey of the specimens of Naval Stores sent from New England, my Lords of the Admiralty have directed them to make all possible dispatch therewith, and then to make their report, at which time they will also transmit an account of the proceedings of the two persons sent over by them to New England in conjunction with other two nominated by Sir Henry Ashurst, which will then be transmitted to you. *Signed*, J. Burchett. *Endorsed*, Recd. Read Feb. 12, $\frac{1699}{1700}$. $\frac{3}{4}$ *p.* [*Board of Trade.* New England, 10. *No.* 14.]

Feb. 10. Office of Ordnance. 107. Board of Ordnance to the Council of Trade and Plantations. If your Lordships could prevail with any merchants trading to Newfoundland to carry over our stores, it would ease our office of a very great charge. *Signed*, C. Musgrave, W^m^. Boulter, Jon. Charlton. *Endorsed*, Recd. Read Feb. 12, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Newfoundland, 4. *No.* 5; *and* 25. *p.* 351.]

Feb. 10. Whitehall. 108. William Popple to Sir John Fleet, Governor of the Company of Merchants of London trading to the East Indies, communicating the paragraphs of Lord Bellomont's letter, Nov. 29, 1699, relating to Gillam the pirate. [*Board of Trade.* New England, 37. *p.* 337.]

Feb. 10. Bristol. 109. Sir Thomas Day to the Council of Trade and Plantations. I have received your commands to give in my answer to the information against my son, the Governor of Bermuda. I thankfully acknowledge your Honours' great favour in giving me time

1700.

hitherto to put in an answer, and should (were it possible) do it with all speed, but being now here by the leave of the House of Commons about my pressing occasions, I did hope you would have borne with me till my return at least to London, if not until I could have had an answer from my son, which I dayley expect, and therefore have left the affidavits and other papers relating to his defence in London. I entreat your forbearance till I come up which will be in less than 10 days. *Signed*, Tho. Day. *Endorsed*, Recd. Read Feb. 13, $\frac{1699}{1700}$. 2 *pp.* [*Board of Trade.* Bermuda, 4. *No.* 14.]

Feb. 10. Bermuda. **110.** Governor Day to the Council of Trade and Plantations. Duplicate of letter of Jan. 29. *Signed*, Sam. Day. *Endorsed*, Recd. June 13th, Read 20th ditto, 1700. 2 *pp. Annexed*,
110. i. Abstract of above. ½ *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 13, 13 i.; *and* 30. *pp.* 23–27.]

Feb. 11. St. James'. **111.** Mr. Pulteney to Mr. Popple, enclosing account of ordnance and stores of war sent to the Plantations 1660–1688. "I hope their Lordships will not think there has been any delay, since it was to look back for so many years, and is digested into an alphabetical manner." *Signed*, J. Pulteney. *Endorsed*, Recd. Read Feb. 12, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 44; *and* 35. *p.* 173.]

Feb. 11. **112.** Account referred to in preceding. [*Board of Trade.* Plantations General, 6. (*The entire volume*).]

Feb. 12. **113.** Petition of Jeremiah Basse, Esq. and John Lofting, merchant, to the House of Commons. Richard, Earl of Bellomont, Governor of New York, usurping an arbitrary power over H.M. subjects of East Jersey, which is independent and no part of New York, sent down fifty armed men to Perth Amboy, forcibly seized the *Hester* [*See Cal.* A. & W. T. 1699.) and carried her off to New York, where he caused her to be condemned and sold for not entering at New York the goods imported by her to East Jersey and for not paying the duties imposed on such goods by an Act of Assembly of New York, though no duties are payable for goods imported to East Jersey, nor is East Jersey subject to the Laws made by the Assembly of New York. Petitioners, the owners, can obtain no satisfaction at New York. Jeremiah Basse, late Governor of East Jersey, seized there John Elston and William Merrick, who confessed themselves of Every the Pirate's crew, and refused to bail them, but the Earl of Bellomont by a pretended Admiralty power forced them out of his hands and set them at liberty upon insufficient bail. Merrick has since made his escape. Petitioners pray for relief. *Endorsed*, Read Feb. 23, $\frac{1699}{1700}$. *Copy.* 2 *pp. Annexed*,
113. i. Order of the House of Commons referring above petition to a Committee, (Feb. 12). (*Names given.*)

1700.

113. ii. Order of Committee of House of Commons for the Secretary to the Commissioners for Trade and Plantations to lay before them the entry of the Instructions from the Government of New York to Col. Palmer and the Agents here about 1685–7, as also an authentic draught of the country of New York and Hudson's River. 1 *p. Endorsed*, Recd. Read Feb. 28, $\frac{1699}{1700}$. [*Board of Trade.* New York, 9. *Nos.* 14, 14 i., 15; *and* 54. *pp.* 91–94.]

Feb. 12. Whitehall. **114**. W. Popple to Mr. Lownds, enclosing extracts of Lord Bellomont's letter Nov. 29, 1699. "As for the character of Mr. Gardiner which he desires the Lords Commissioners of H.M. Treasury may be acquainted with, I am to add that he has sent several papers in proof of Gardiner's favouring pirates, and particularly of his harbouring one Gillam." [*Board of Trade.* New England, 37. *pp.* 338, 339.]

Feb. 12. Whitehall. **115**. Council of Trade and Plantations to the Earl of Jersey. We enclose an extract of Lord Bellomont's letter, Nov. 29, 1699, relating to the designs and measures of the French in fortifying the eastern frontier of New England, which may serve for your information until we be able to lay before H.M. a full state of the forts etc. in those parts, which we are preparing with all dispatch. *Signed*, Lexington, W^m^. Blathwayt, John Pollexfen, Abr. Hill. [*Board of Trade.* New England, 37. *p.* 340.]

Feb. 12. Whitehall. **116**. Earl of Jersey to the Council of Trade and Plantations, enclosing for report a letter from the Admiralty and representation of Mr. Wallis. "What sort of licence is proper to be given, and what method to be taken for the preservaton of the woods in New England?" *Signed*, Jersey. *Endorsed*, Recd. Feb. 13. Read Feb. 14, $\frac{1699}{1700}$. 1 *p. Enclosed*,

116. i. Lords of the Admiralty to the Earl of Jersey. Feb. 5. The Principal Officers of H.M. Navy having lately contracted with Mr. William Wallis for bringing from New England two ships' loading of great masts for the service of H.M. Navy, which are much wanted, we send enclosed a copy of his request to the Navy Board, praying H.M. leave for providing the said masts in that country, with directions to the Surveyor of H.M. woods there to forward the service in the same manner as was done in 1691, and desire you will move His Majesty to give the necessary orders herein. *Signed*, J. Bridgewater, G. Rooke, D. Mitchell, Geo. Churchill. *Copy.* 1 *p.*

116. ii. Copy of letter from William Wallis to the Navy Board, Jan. 22, 1700. I pray you to move the Lords of the Admiralty and obtain a licence for me to cut trees in New England. The inhabitants continually cut down the best trees, and in process of time no great trees will be had for H.M. service. H.M. Surveyor of Woods,

1700.

Mr. Jahleel Brenton, says that although sueh trees are reserved in the Charter of Massaehusetts, that makes it no law by whieh he can ground any prosecution, and that it is a very hard matter to distinguish between the King and the inhabitants' right, and that his allowanee of 50*l.* will not answer the end for whieh he is appointed. 2¼ *pp.* [*Board of Trade.* New England, 10. *Nos.* 15, 15.i., ii.; *and* 37. *pp.* 377–383.]

Feb. 12. Admiralty Office.

117. J. Burehett to Mr. Popple. I enclose copies of the letter of the Commissioners of the Navy, and of the reports made to them by the Surveyors, and of Mr. Wallis' letter. *Signed*, J. Burehett. *Endorsed*, Reed. Feb. 14, Read Feb. 15, $\frac{1699}{1700}$. 1 *p.* *Enclosed*,

117. i. Copy of a letter from the Offieers of Deptford and Woolwieh, Jan. 13, 1699 (1700). We have taken a striet survey of the several speeimens of Naval Stores late eome from New England. The oak plank of 3 and 4 inehes thiek we find a very spungey wood and subjeet to rotten veins, not fit for the navy, being inferior to East Country. In the piteh pine and pine plank we see no differenee and judge them useful for joiners' work. The tar by its colour we find very different from that usually used, but desire to make trial of it. 9 *signatures.* Estimate of value of these stores. 3 *pp.*

117. ii. Copy of letter of Commissioners of the Navy to the Council of Trade and Plantations, Feb. 10. We find the speeimens of Naval Stores generally fall short of the like commodities usually provided for the Navy, in quality and value. We think the gentlemen who promoted the projeet should be aequainted with the reports upon the stores, and refer to your consideration the calling home of the Agents, for easing H.M. of this great and growing charge, it seeming to us to be far from answering the serviee expeeted from it, and that, if any further progress should be judged necessary in the said enquiries, it would be mueh better for H.M. to be at a certainty with the merehants as to the priees by eontraeting with them as was proposed by this Board at the beginning. *Signed*, R^d^. Haddock, Tho. Willshaw, Clow. Shovell, Dan. Furzer, John Hill, Cha. Sergison, (*sic*) Da. Lyddell, B. Tymewell. 1¼ *pp.*

117. ii'. William Wallis to the Council of Trade and Plantations, Feb. 12. Mr. Brenton is so far in the right in his reply that there was no waste of trees in New England, that during the late war the inhabitants could not keep all their mills at work, yet at that time I have seen very great waste and spoil made by the logging trade. Mr. Brenton eannot take so mueh eare of H.M. interest as one whose business daily it is to go into the woods, and therefore I humbly recommend Capt. Jaeobed Plaisted, who lives upon the plaee and is

1700.

altogether fit for the office of Surveyor of H.M. Woods. *Copy.* 2¼ *pp.* [*Board of Trade.* New England, 10. *Nos.* 16, 16.i.–iii. ; *and* 37. *pp.* 383–393.]

Feb. 12. Whitehall. **118.** Journal of Council of Trade and Plantations. Letter from Mr. Pulteney, with account of stores of war sent to the Plantations 1660–1688, laid before the Board.

Order of Council, Feb. 8, about sending men and materials to Newfoundland, read.

Letter from the Board of Ordnance, Feb. 10, read. Thereupon Mr. Cole and Mr. Merit were desired to attend the Board.

Reply from Mr. Burchett, Feb. 10, read.

Letter to the Earl of Jersey about the French fortifying the eastern frontiers of New England signed and sent.

Mr. Dockwra, in the name of the Proprietors of East New Jersey, desiring to know the resolution of the Board upon their memorials of Jan. 15, was told by their Lordships that they were preparing what he desired, but having understood that this day a petition had been brought into the House of Commons relating to their pretended right to a Port at Perth Amboy, this Board could proceed no further in that matter until they understand what the House of Commons may think fit to do in it.

Feb. 13. Mr. Chiampanty and Mr. Weaver, having understood that a petition was yesterday brought into the House of Commons containing some complaints against the Earl of Bellomont, desired that they might have copies of such papers in this office as may be of use to them in his Lordship's defence. Ordered accordingly.

Secretary ordered to return to Mr. Solicitor General his draft for a Bill for punishing here the Governors of Plantations for crimes committed there, and to acquaint him that their Lordships have nothing further to offer thereupon.

Order of Council, Feb. 8, about cutting down trees in New England fit for H.M. Navy, read. Letter to the Navy Board ordered, enquiring what sizes of trees fit for masts or other timber are prohibited to be exported in Denmark and Sweden.

Copies of Lord Bellomont's letters, Ap. 17, etc. upon Naval Stores ordered to be sent to the Lords of the Admiralty.

Major Yates delivered to the Board a letter from Sir Thomas Day, Feb. 10, desiring their Lordships to suspend their report upon his son's affairs. Major Yates informed that they would consider the matter to-morrow.

Lord Bellomont's letters, Sept. 9, Oct. 25, 1699, read. Acts of New Hampshire ordered to be sent to Mr. Solicitor General for his opinion. [*Board of Trade.* Journal, 12. *pp.* 368–372 ; *and* 97. *Nos.* 28, 29.]

Feb. 13. Whitehall. **119.** William Popple to Sir John Hawles, H.M. Solicitor General. The Council of Trade and Plantations command me to send the Acts past at a General Assembly in New Hampshire, Aug. 7, 1699, for your opinion with what speed you can. *Annexed,*

1700.

119. i. List of Acts of New Hampshire, Aug. 7, 1699. [*Board of Trade.* New England, 37. *pp.* 373, 374.]

Feb. 13. Whitehall. **120.** W. Popple to Sir John Hawles. I return your draft of a Bill to punish Governors, etc. The Council of Trade and Plantations have nothing further to offer on that subject than what they observed to you when you were last at their Board. [*Board of Trade.* Plantations General, 35. *p.* 174.]

Feb. 13. Bermuda. **121.** Secretary of the Bermuda Islands to the Council of Trade and Plantations. I arrived on Jan. 19, after 13 weeks' most dangerous voyage. Before I departed I waited several times at the office for your Lordships' commands, but was obliged to depart without receiving them. At my arrival I had an account of the Lords Justices' order and found Mr. Randolph actually discharged from his imprisonment and the Commission ready for him, Col. White and myself. On 31st we met and examined several persons who with themselves brought several depositions ready wrote. They were sworn before us, and afterwards I desired the copies of them that the Governor might see them in order to transmit his answer according to their Excellencies' order, but Mr. Randolph and Col. White wholly denied them or to let me take any copies of them, which I thought not fair, and thereupon the Governor by advice of his Council did make his protest. *Signed*, Ed. Jones. *Endorsed*, Recd. June 13, Read 20th ditto, 1700. 1½ *pp. Addressed and sealed.* [*Board of Trade.* Bermuda, 4. *No.* 14A ; *and* 30. *pp.* 28, 29.]

Feb. 13. Feb. 15. Feb. 16. **122.** Minutes of Assembly of Barbados. Adjourned till 15th. Joint Committee of the two Houses considered the Bill for securing the possession of slaves. Money voted for the charges of last Grand Sessions. Petition of Capt. Atwood, for the remission of the seizure of some beer landed by mistake without a cocket, recommended to the Council. Petition of Nicholas Baker, for a drawback of the duty on some Madera wine exported, granted by the Council and this House. [*Board of Trade.* Barbados, 65. *pp.* 464–466.]

Feb. 15. **123.** Minutes of Council of Barbados. Acts, for raising a levy and placing servants, read a second time and committed.

200*l.* ordered to be paid to the Hon. Col. William Wheeler towards building the house in James' Fort.

Order made for the division of the estate of Thomas Walrond, deed. 30*l.* paid to George Payne for a year's rent of the Council Chamber, and 55*l.* for the 6 iron guns and carriages placed at His Excellency's door. 990*l.* ordered to be paid to Nicholas Baker for 55 men servants imported in the *Reserve* from Newcastle. 2250*l.* ordered to be paid to William Roberts and Company for 125 servants imported in the *Dolphin* from London. [*And see preceding abstract.*]

Feb. 16. Act for the disposal of servants read a third time and sent down. [*And see preceding abstract.*] [*Board of Trade.* Barbados, 65. *pp.* 487–490.]

1700.
Feb. 14. **124.** Dr. Cox to the Council of Trade and Plantations. One of the ships I sent about 15 months since is returned, having made a compleat discovery of all the Coast of America before unknown, from the Cape of Florida unto the North West end of the Mexican Gulph, and of all the harbours, rivers, isles, sands and shoals for above 1000 miles, and almost 200 miles up the great River Sussagoula, which four French they met in two birchen canoes, who came from Canada to trade with the Indians, did assure them is not the River Meschasipy, though a great way higher it hath a communication. They did search all the coast diligently, but found no settlement of French as was pretended, nor is there, as the French themselves own, any nearer than 450 leagues distance from the mouth of our river and far beyond the boundaries of the province of Carolana. And our people having ranged the coast 100 leagues westward of the said great river, found not the least footsteps of either French or Spaniards. And indeed we are most certain there are none of either nation nearer that way than Panuco, a colony of Spaniards, which is at least 250 leagues to the south west of Sassagoula. Therefore finding there can be no just exception against the English planting that country, who have so antient a patent and being the first discoverers of the Great River by ships, and 14 English being now settled in a fortified trading house 200 miles higher than our ships went, whom the French acknowledged they had visited a few days before, and who had a perfect good correspondence with divers nations of Indians, and for divers years had been there established, I suppose right reason and the laws common to all civilised nations will authorise our settling there. The only difficulty remaining concerns the French refugees, who are divers of them exceedingly desirous to settle with the English in this new colony, ten or twelve of them who accompanied us in this expedition having given a most extraordinary good character of this country for health, pleasantness and fertility. We write for your Lordships' approbation and His Majesty's consent that they may be permitted to consort with the English in such proportions as he shall deem expedient, or, if that be not allowed, they humbly request that they may be permitted to settle towards the head of the River Mattheo, 200 miles from those few Spaniards who dwell at Augustin, or at least at Norfolk County between Virginia and Carolina as was formerly proposed. *Signed*, Dan. Cox. *Endorsed*, Recd. Read Feb. 15, $\frac{1699}{1700}$. 1½ *pp.* [*Board of Trade.* Proprieties, 5. *No.* 14; *and* 26. *pp.* 165, 166.]

Feb. 14. **125.** Petition of several merchants of London trading to New York to the House of Commons. Petitioners have received no satisfactory answer to their petition last year to the Council of Trade and Plantations, setting forth that by the misgovernment of Governor the Earl of Bellomont trade was much discouraged. By his illegal proceedings, he has put such further hardships on the merchants and other the King's subjects there that, without redress, the petitioners must be forced to withhold their trade thither, especially being informed by several now here in town,

1700.

inhabitants of that place, that the said Earl has changed most of the Magistrates and Justices of Peace there, some whereof dare not and others absolutely refuse to take any affidavits for them, whereby his several arbitrary and unjust proceedings may appear in due form. Petitioners pray the House to consider their case and to send for such of those whose names are given as shall seem fit, who otherways dare not appear, lest on their return to New York they may suffer inconveniencies. *Signed*, Joseph Ormston, Thomas Adderly, Thomas Cage, Will. Shepheard, John Blackall, Wm. Cornelison, Simon Lodwick, Gerard Santteythuysen, Henry Adderly, John Jackson, Robert Hackshaw, Hiddo. Lofting. *Endorsed*, Recd. Read Feb. 16, $\frac{1699}{1700}$. *Copy.* 1 *p.* [*Board of Trade.* New York, 9. *No.* 11; *and* 54. *pp.* 86–88.]

Feb. 14. Navy Office. **126.** Navy Board to Mr. Popple. We have no knowledge what sizes of timber are prohibited to be exported out of Denmark and Sweden. The East Country and Norway merchants are best able to give you an account thereof. From Ryga we have had masts of 22 and 23 hands and seldom higher, and from Norway only small masts from 17 hands downwards. *Signed*, Danl. Furzer, Clow. Shovell, Tho. Willshaw, R. Tymewell, D. Lyddell, Cha. Fergison. *Endorsed*, Recd. Feb. 14, Read Feb. 15, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* New England, 10. *No.* 17; *and* 37. *pp.* 394, 395.]

Feb. 14. Whitehall. **127.** Journal of Council of Trade and Plantations. Mr. Cole and Mr. Merrit promised to consult with the Board of Ordnance with a view to carrying some stores to Newfoundland. No ships would sail till the end of April.

Letter from the Earl of Jersey, Feb. 12, referring letters about cutting trees in New England and the consideration of some fit method for preserving the wood in those parts to their Lordships, read. Mr. Brenton was thereupon summoned to attend.

Feb. 15. Captain Mead presented several certificates of his services and sufferings in Ireland.

Representations upon Mr. Day's conduct in the Government of the Bermuda Islands, and upon the petitions of Sir Thomas Lawrence, Capt. Bennet, Capt. Mead, and Mr. Woollaston for the Government of those islands, signed, but their Lordships thought fit to suspend the sending of them to the Council for a few days.

Letter to the Board of Ordnance signed.

Letter from Dr. Cox giving an account of some late discoveries along the North West coast of the Gulf of Mexico, and desiring directions about the settlement of some French refugees either there or in Norfolk County in Virginia, read. Dr. Cox, called in, introduced one Capt. Bond, who said he sailed hence about 14 months ago for Carolina and visited all the foresaid coast. He laid before the Board several draughts of the said coast made by him.

1700.

Letter from the Navy Board, Feb. 14, read. Secretary ordered to enquire of Mr. Daniel Butts about the sizes of trees prohibited to be exported from Denmark and Sweden.

Letter from Mr. Burchett, Feb. 12, with papers and reports about naval stores in New England, read and referred for enquiry to Sir Henry Ashurst.

Mr. Mears, again desiring leave to sue Mr. Day in Bermudas, when another Governor shall be sent, was acquainted that it was not proper to allow anything in such a case that may hinder a Governor from repairing hither to give an account of his administration to his Majesty, but was assured that when a new Governor was appointed their Lordships would recommend his case to the said Governor for all the assistance that may be proper.

Feb. 16. Copy of a petition presented to the House of Commons, Feb. 14, by several merchants, complaining that they had received no satisfactory answer from this Board to their petition nine months ago relating to the Earl of Bellomont's mismanagement in the Government of New York, read. Directions given for preparing some memorials, in order to an answer when it may be called for.

Letter from Dr. Cox, excusing himself for not attending as he had promised, was brought to the Board by Capt. Bond and Mr. Desailly. Their Lordships enquiring of Capt. Bond concerning the River St. Matteo (mentioned in Dr. Cox's yesterday's letter, and supposed to lie in the North East coast of the Gulf of Mexico), he said that in all his voyage along that coast he had not found any considerable river at all between Mechasippi and the Cape of Florida, and so could give no account of it. Mr. Desailly desiring to know at which of the places proposed by Dr. Cox their Lordships thought it best for the French refugees to settle, it was told him that Norfolk County in Virginia appeared to be much the safest and subject to least inconveniences.

The Secretary announced that he had understood from Mr. Butts that the sizes of trees for masts, prohibited to be exported out of the dominions of both the Northern Kings, are from 17 palms circumference upwards, which he explained to be about the same thing as about 17 inches diameter, but added that much larger trees are many times brought from thence, and some may be had from 24 to 28 inches diameter.

Letter from Mr. Burchett, Feb. 15, with enclosures about naval stores, read.

Circular letters to the Governors about endenizing foreigners signed. Secretary ordered to certify the truth of the several copies of an Order of Council to be enclosed. [*Board of Trade.* Journal, 12. *pp.* 372–378; *and* 97. *Nos.* 30–32.]

Feb. 15. Whitehall. 128. William Popple to Sir Henry Ashhurst, enclosing copies of letter of Navy Board, and report about Naval Stores, Feb. 12. [*Board of Trade.* New England, 10. *p.* 394.]

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Feb. 15. Admiralty Office. **129.** J. Burchett to Wm. Popple. I enclose copies of the whole proceedings of the persons employed to inspect the Naval Stores produced in New England, and your draught of the harbour of St. John's. *Signed*, J. Burchett. *Endorsed*, Recd. Read Feb. 16, $\frac{1699}{1700}$. 1 *p.* *Enclosed*,

129. i. Copies of letters from John Bridger, Agent for Naval Stores at New England, to the Lieutenant Governor, Council and Assembly of Massachusetts Bay, Boston, May 27–June 20. 2½ *pp.*

129. ii. Copy of letter from Mr. Bridger to the Governor, Council and Representatives of New Hampshire, asking for a guard for him to inspect the woods. Piscataqua, June 14, 1698. 1 *p.*

129. iii. Copy of Order of Council and Assembly of New Hampshire, June 14, 1698, granting a guard of 60 men. ¾ *p.*

129. iv. Copy of letter from Mr. Bridger announcing his arrival at Piscataqua, and quoting above Order. 3½ *pp.*

129. v. Copy of a letter from Mr. Bridger, Boston, July 22, '98, giving an account of his proceedings. 3½ *pp.*

129. vi. Copy of minute of Assembly of Massachusetts Bay, recommending that a guard be granted to Mr. Bridger. May 25, 1698. 1 *p.*

129. vii. Copy of a letter from Mr. Bridger and Mr. Holland Oct. 9, 1699. Report upon Naval Stores in New England. 3½ *pp.* [*Board of Trade.* New England, 10. *Nos.* 18, 18.i.–vii.; *and* (*without enclosures*), 37. *pp.* 395, 396.]

Feb. 15. Whitehall. **130.** Council of Trade and Plantations to the Board of Ordnance. Upon the receipt of your letter of Feb. 10, we immediately sent for Mr. Simon Cole and Mr. Solomon Merrit, two of the principal traders to Newfoundland, and proposed to them the carrying of stores thither as you desire. They promised that as soon as any ships are preparing to sail from hence, which may be towards the end of April, not sooner, they will apply themselves to you in order to some agreement about that matter, as may be reasonable. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwait, John Pollexfen, Abr. Hill, George Stepney. [*Board of Trade.* Newfoundland, 25. *p.* 352.]

Feb. 15. Whitehall. **131.** Council of Trade and Plantations to the King. Upon the petitions for the Government of the Bermuda Isles submitted to us, we humbly report that (1) Sir Thomas Lawrence has behaved himself well for several years in the office of your Majesty's Secretary of Maryland, which upon his resignation is now enjoyed by his son. (2) Captain Benjamin Bennet has served your Majesty several years by sea and land, as Lieutenant and Captain in the First Marine Regiment, and afterwards in Col. Brudnell's Regiment, and has been recommended to us by some merchants trading to Bermuda as a person of a fair character. (3) Mr. Mead has served your Majesty many years in Ireland, and did, we understand, suffer considerably by the Irish. (4) Mr. Woollaston, whose family suffered much in the late reign, has been

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recommended to us by many eminent persons, and is particularly known by the Earl of Stamford to be a man of integrity and capacity and also of estate, whereby he appears to us to be fitly qualified in all respects to succeed Mr. Day. *Signed*, Stamford, Lexington, Phil. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Bermuda, 29. *pp.* 255, 256.]

Feb. 16. **132.** Dr. Cox to the Council of Trade and Plantations. Being taken very suddenly and violently with an erisipelas yesterday, I am not in a condition to appear before your Lordships. Mr. De Sailly, chief Agent for the French refugees next to the Marquis de la Muce, will attend, that he may understand what part of His Majesty's dominions in America you recommend, they being agreed to be determined by your Lordships. The Commissioners for the Collect, particularly his Grace of Canterbury, desire the same, and having received your approbation, would immediately dispose among them such part of the charity money as they have already agreed, to fit them for their voyage. In the meantime I doubt not by the grace of God to prevent the French settling in any part of the river we have discovered, though at the expense of half my estate. And I doubt not your Lordships will at least tacitly approve my being more concerned for my dear country than for the interest of foreigners, the most dangerous neighbours, as many of our Plantations have found during the late war, or that you will not exercise the power wherewith you are entrusted to discourage and crush my undertaking. *Signed*, Dan. Cox. *Endorsed*, Recd. Read Feb. 16, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Proprieties, 5. *No.* 16; *and* 26. *pp.* 166, 167.]

Feb. 16. Whitehall. **133.** Circular letter from the Council of Trade and Plantations to Governor Grey. We enclose a copy of the Order in Council, Jan. 18, signifying His Majesty's pleasure relating to the granting of letters of denization by Governors. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. *PS.* Feb. 21. A letter having been communicated to us from Hen. Munday, Commander of the *John Hopewell* of London [*see Cal.* 1699], who has been plundered upon the coast of Guinea, by a pirate named Henry King, who formerly used the Pennsylvania trade, and nine of his men having run away with King, we send you their names, that if any of them happen to come into your Government you may cause them to be apprehended. *Names of Munday's men*:—Nicolas Gillebrand, Jno. Burton, Leonard Rawlings, Edwd. Arterbery, Emanuel, a Portugese, John Sanders, Wm. Parker of Sunderland, Jno. Harris of London, Fran. Brown, a negro. [*Board of Trade.* Barbados, 45. *p.* 27.]

134. Similar letter, *mutatis mutandis*, to Sir Wm. Beeston, Governor of Jamaica. [*Board of Trade.* Jamaica, 57. *pp.* 14, 15.]

135. Similar letter, *mutatis mutandis*, to Nathaniel Blakiston, Governor of Maryland. [*Board of Trade.* Maryland, 9. *pp.* 480, 481.]

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136. Similar letter, *mutatis mutandis*, to Samuel Day, Lt. Gov of the Islands of Bermuda. [*Board of Trade.* Bermuda, 29. *p.* 257.

137. Similar letter, *mutatis mutandis*, to Richard, Earl of Bellomont, Governor of Massachusetts Bay, New York and New Hampshire. [*Board of Trade.* New York, 54. *pp.* 88, 89; *and* New England, 37. *pp.* 396, 397.]

138. Similar letter, *mutatis mutandis*, to the President and Council of Nevis. [*Board of Trade.* Leeward Islands, 46. *p.* 32.]

139. Similar letter, *mutatis mutandis*, to Francis Nicholson, Governor of Virginia. [*Board of Trade.* Virginia, 37. *p.* 382; *and* Plantations General, 35. *pp.* 175, 176.]

Feb. 16. 140. Minutes of Council of New York. Ordered that the Mayor, J.P.s and High Sheriff of Albany take effectual care to see the order of Dec. 21 last, forbidding the transport of horses to Canada, duly executed.

Payment to Cornelius Vanderbeek for the funeral expenses of nine soldiers ordered.

Daniel Latham, shipwright of New York, examined, and, being a Quaker, declared solemnly that he was employed by Mrs. Smith, the wife of English Smith, one of Capt. Kidd's crew, to bring East India goods from Standford in Connecticut to her at New York. [*Board of Trade.* New York, 72. *pp.* 295, 296.]

Feb. 17. London. 141. Minister of the Duke of Courland to the King. M. le Duc. as guardian and administrator of his nephew, Frederick William, Duke of Courland, is about to establish a new colony in Tobago. In accordance with the treaty between King Charles II. and the late Duke James of Courland, providing that the island under the protection of your Majesty must be peopled either by English subjects or Courlanders, M. le Duc has made a contract with some of your Majesty's subjects, of which I enclose copies, and of which he begs your approval. *Signed*, Jean Christoffer Prœtorius. *Addressed* to M. Secretary Vernon. 2 *pp. French.* [*America and West Indies.* Tobago, 633. No. I.]

Feb. 19. Whitehall. 142. William Popple to Josias Burchett, enclosing, for the information of the Admiralty, Lord Bellomont's suggestions about Naval Stores (Ap. 17, Aug. 24, Oct. 20, 1699). [*Board of Trade.* New York, 54. *p.* 90.]

Feb. 19. Whitehall. 143. Journal of Council of Trade and Plantations. Ordered that Sir Edmund Andros be desired to attend the Board to give what information he can about the ancient right and privilege of the city of New York to be the sole port upon Hudson's River to the exclusion of the Jerseys from their pretence to a right of constituting a port at Perth Amboy.

Mr. Brenton said that he had already acquainted the Admiralty that, as regards the alleged waste of trees in New England and New Hampshire, he believes the informer is mistaken. He does not know that any trees above 24 inches diameter at 24 inches

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from the root, which is the size reserved by the Massachusetts' Charter, had been cut down, except in the grounds of particular private persons, to which they have a right. He added that the inhabitants of those parts can never transport the trees they cut to the places where they make use of them but in time of thick snow, and that whenever they go out to do it, his Deputy, Mr. Jeeabod Plaisted, who is the same person that has contracted with Mr. Wallis for masts for H.M. Navy, or some appointed by him, goes out along with them. Though there was no reservation in the New Hampshire Grant, yet, by ancient custom before that grant, the reservation for His Majesty's use is understood to be the same there as in the Massachusetts Bay.

Mr. Desailly granted, as a certificate of their Lordships' opinion, an extract of the Minutes, Feb. 16.

Feb. 20. Representations relating to Bermuda ordered to be sent to the Council on Thursday next.

Letter from Henry Munday, Nov. 13, 1699, about pirates on the coast of Guinea, read. Their names ordered to be sent to the Governors in a circular letter.

Dr. Cox laid before the Board a grant of Norfolk County in Virginia by Sir John Harvey, Governor of Virginia, to the Lord Matravers, Jan. 22, 1637, from which he said his title to that county is derived. Copy kept.

Some memorials relating to the petition to the House of Commons against the Earl of Bellomont were laid before the Board. Mr. Secretary Vernon was desired to consult with the Board to-morrow. [*Board of Trade.* Journal, 12. *pp.* 378–381 ; *and* 97. *Nos.* 33, 34.]

Feb. 20. **144.** Copy of the Patent of Henry, Lord Matravers for the county of Norfolk in Virginia, Jan. 22, 1637. *Signed*, John Harvey. *Endorsed*, Communicated to the Board by Dr. Cox, Feb. 20, $\frac{1699}{1700}$. $4\frac{1}{4}$ *pp.* [*Board of Trade.* Virginia, 8. *No.* 3 ; *and* 37. *pp.* 383–388.]

Feb. 20. **145.** Memorandum of above. $\frac{1}{2}$ *p.* [*Board of Trade.* Proprieties, 5. *No.* 15.]

Feb. 20. Whitehall. **146.** Mr. Secretary Vernon to the Council of Trade and Plantations, referring for their opinion the petition of the Marquis de la Muce. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Feb. 23, $\frac{1699}{1700}$. 1 *p. Enclosed*,

146. i. Petition of the Marquis de la Muce, Mr. de Sailly and other Protestant refugees to the King. The Attorney General has reported that Daniel Coxe is the present legal proprietor of Norfolk County, Virginia, granted 1637 to Lord Matravers. The Proprietor hath articled with petitioners for a tract of land in the said county. We humbly request your Majesty to recommend us unto the Governor of Virginia and to grant us some encourage-

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ment and assistance for many of those poor distressed refugees, who would readily embrace this undertaking, if petitioners were not unable to advance the charges necessary for transport and settlement. 1¾ *pp.* [*Board of Trade.* Virginia, 8. *Nos.* 4, 4.i.; *and* 37. *pp.* 388–390.]

Feb. 20. Bermuda. **147.** Edward Randolph to the Council of Trade and Plantations. It was the 24th Jan. before we had a Commission from Mr. Day and his Council, (such as it is), to receive depositions upon oath to prove the matters represented in your report, July 20. Although by the Lords Justices' order any one of us therein mentioned are directed to receive such depositions, yet we went to St. George's Town, Jan. 31, where Mr. Jones dwells, as did also divers who lived in the country, on purpose that he being a stranger, and, as we hoped, an impartial man, might be present to join with us in receiving their depositions, who were then sworn before us all, and all of us did then attest them, which were presently delivered to Capt. Gilbert, bound to Barbados, to be transmitted to you. Mr. Jones demanded copies, which we were unwilling to grant, not finding that we are by their Excellencies' Order commanded to so do: besides, we should thereby expose several of the deponents to the malice and oppression of Mr. Day, who is strictly charged by the said order to use no illegal and indirect practices to hinder Mr. Jno. Dickinson or any other person from repairing to England in order to clearing up the said matters, but they who go about to prove those matters here run themselves into a gaol, if it can be made appear they have sworn against him, and they must lie there during his and Mr. Nelson's (the Chief Judge) pleasure. Yet, that Mr. Day might have no pretence to protract the time, his last shift, thereby to avoid sending his answers in writing, we soon after drew up a paper containing the matters of fact proved against him in the depositions and communicated it to Mr. Jones to have him sign it and join in the delivery to the Governor. He refused, but we presented it the 20th, which is 6 or 7 weeks before any vessel will be ready to sail. Mr. Jones being the Secretary and Provost Marshall (offices inconsistent to be entrusted in one person under the Governor's check), is therefore necessitated to court his favour, otherwise he would make little benefit of his places, neither permitted to execute either of them until he had given 1,000*l.* security, at least, for his faithful discharge, as has been done by his predecessors, but the Governor connives, though against the sense of the inhabitants, who are greatly dissatisfied that the records of all their estates should lie in the hands of a stranger until secured by sufficient bonds, and from hence it is that Mr. Jones has obstructed the main end for which the Commission was intended. Besides, he has told us that he cannot act with safety to himself, because (being by his office of Provost Marshall the Sheriff), he is finable 500*l.* if he acts as a Justice of the Peace during his being Sheriff. *Signed*, Ed. Randolph, Anthony White. *Addressed and sealed. Endorsed*, Reed. 24, Read 28 May, 1700. 1½ *pp.* *Enclosed,*

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147. i. Abstract of above. ½ *p.*

147. ii. Copy of deposition of Edward Randolph. Governor Day refused to admit a Collector of Customs, Samuel Spofferth, appointed by him, and put in Thomas Brookes, a creature of his own. He imprisoned Randolph. 2½ *pp. Endorsed*, Reed. May 24, 1700.

147. iii. Copy of commitment of Edward Randolph, May 16, 1699. 1 *p.*

147. iv. Copy of Chief Justice Nelson's warrant for committing Ed. Randolph, June 8, 1699. 1 *p.*

147. v. Copy of proceedings of Quarter Sessions, July 13, 1699, against Mr. Randolph. *Grand Jury at Hamilton Flats* :—Samuel Daffye, Samuel Harvey, Nathaniel Waterman, Capt. Henry Harvey, Capt. John Peasly, Capt. Benjamin Wainwright, Capt. Cornelius Hinson, Thomas Mynott, Wm. Watlington, Thomas Bostock, Capt. George Darrell, Daniel Styles, William Bryan, Joseph Hinson, Jonathan Birch. *Bailiffs* :—James Barry, Sampson Potter, Robert Skinner. *Jury of twelve* :—Daniel Tucker, Joseph Cox, Paul Vaughan, Richard Stamers, Benjamin Wood, William White, Nathaniel Prudden, Adam Eve, St. John Harvey, Thomas Gibbs, Daniel Hutchings, Wm. Outerbridge, jun. 2½ *pp.*

147. vi. Copy of proceedings at the General Assizes, Dec. 8, 1699, upon Mr. Randolph's imprisonment, with his discharge by Mr. Nelson. 2¼ *pp.*

147. vii. Copy of deposition of Samuel Spofferth as to the proceedings relating to Mr. Randolph's imprisonment. 3½ *pp.*

147. viii. Deposition of Col. White about his imprisonment by Gov. Day, and his bail being refused. *Signed*, Anthony White. ¾ *p.*

147. ix. Copy of deposition of Samuel Spofferth as to Col. White's detention in prison. 1¼ *pp.*

147. x. Copy of deposition of Jon. Dickinson. Mr. Gilbert Nelson refused to take any bail for Col. White except that of his son-in-law (deponent) and Charles Walker. Deponent was thus prevented from sailing for England. ¾ *p.*

147. xi. Depositions of Messrs. Randolph, Walker, White and Harford as to Gov. Day refusing to give reasons for his discharging the last three from being members of Council. *Signed*, Cha. Walker, Anthony White, Thomas Harford, Ed. Randolph. 1 *p.*

147. xii. Copy of a paper delivered to Mr. Day by Messrs. Randolph and White, containing the abstract of the depositions taken by them. 2¾ *pp.* Nos. iii.–xii. *Endorsed*, Recd. May 24, 1700. [*Board of Trade.* Bermuda, 4. *Nos.* 15, 15.i.–xii. ; *and* (*without enclosures*) 30. *pp.* 3–7.]

Feb. 20. **148.** Minutes of Council of Barbados. Bill for raising a levy amended, passed and sent down. 450*l.* 14*s.* 4*d.* paid to Thomas

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Sadleir for money expended by him for charges of three Grand Sessions; 115*l.* to Edward Arnell, and 36*l.* to Richard Turner for accommodating the late Court of Grand Sessions.

Alexander Skene and his Counsel heard. Attorney and Solicitor General ordered to issue summons for all persons that can give any account of his birthplace. [*Board of Trade.* Barbados, 65. *pp.* 490. 491.]

Feb. 21. Whitehall. 149. Journal of Council of Trade and Plantations. Postscript about pirates on the coast of Guinea agreed upon.

Representation upon the revolt of Rye and Bedford from New York to Conneeticut directed.

Answer directed to Lord Bellomont's letter, Nov. 18, 1699, about the difference between Connecticut and Rhode Island relating to Narraganset County.

Sir Edmund Andros attended and declared that during his Government Perth Amboy was always under the direction of the officers at New York. Secretary directed to write for his more particular answer in writing.

Secretary ordered to inform Major Yates that their Lordships intend to lay their report on Bermuda before His Majesty to-morrow, and that if he have anything further to offer from Sir Thomas Day, it must be done before to-morrow noon.

Feb. 22. Letter from Sir E. Andros read.

Sir Thomas Day appeared and said that he came to town last night, and could not be ready with his answer: he entreated the suspense of the representation about his son, and promised his reply before this day sennight. Their Lordships gave him a copy of William Brice's affidavit, and promised to stay for his answer till next week.

Mr. Blathwayt, having been at the Committee of the House of Commons to whom the petitions of the merchants and of Jeremy Bass and John Lofting about Lord Bellomont were referred, acquainted the Board with some things desired by the Committee. Directions given for searching into and copying several papers relating thereunto.

Feb. 23. Letter from Mr. Secretary Vernon, Feb. 20, with petition of the Marquis de la Mucc read. M. Desailly, who brought it, was told their Lordships would give it all the dispatch they possibly could.

Letter from Mr. Thurston, desiring assistance to obtain money for the soldiers at Newfoundland, read and ordered to be enclosed to Mr. Lowndes.

Mr. Champante and Mr. Weaver attended. Petition of Mr. Bass and Mr. Lofting about the seizure of the *Hester*, read. Copies of papers, which may serve for Lord Bellomont's defence, ordered to be given to Mr. Champante. [*Board of Trade.* Journal, 12. *pp.* 381–386; *and* 97. *Nos.* 35–37.]

Feb. 22. 150. Sir Edmund Andros to the Council of Trade and Plantations. At my first going to New York in 1674, East Jersey, on the first grant from the Duke, was as independent from New York, but

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not having the right of Government, was afterwards, as to the Government, re-united to New York, and so continued during my stay there to 1680, and till a further grant and power was obtained by the Proprietors. During my stay no ships traded at Perth Amboy or other places, but were obliged to enter and clear at New York. In 1688 I was again at New York, being then annexed to New England, and, to my best remembrance, did understand that a port had been and was then talked of, but not allowed to be at Perth Amboy or other place there, but New York continued to be the port for all ships to enter and clear at. *Signed*, E. Andros. *Endorsed*, Recd. Read Feb. 22, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* New York, 9. *No.* 12.]

Feb. 22. Kensington. **151.** Order of King in Council, referring to the Council of Trade and Plantations for their opinion the petition enclosed. *Signed*, John Povey. *Endorsed*, Reed. Feb. 24, Read March 5, $\frac{1699}{1700}$. 1 *p.* *Enclosed*,

151. i. Petition of the merchants of New York in America This province was always governed by powers under the Great Seal of England, independent on the Government of any other place, till the late annexing it to the province of Boston, where the Governor makes his residence, whereby many and great inconveniencies happen to His Majesty's subjects in New York. Petitioners pray that the province may be brought back to its former manner of administration, unconcerned with the Governor of any other place. *Signed*, Daniel Crommelin, Paul Droilhet, Gabriel le Boyteulx, James Mills, Rip van Dam, Phillip French, Rob. Watts, Matthew Ling, Adolp Philipses, Gab. Minvielle, N. Bayard, Jacob Mayle, Richd. Willett, Louis Carré, Elie Boudinote, J. Belin, N. Jamain, Dav. Jamison, B. Schuyler, J. V. Cortlandt, W. Morris, Jos. Billopp, B. Aske, Eb. Willson, Ou. Swieten, Miles Forster, Tho. Palmer, Will. Anderson, Tho. Wenham, Rob. Lurting, Char. Lodwick, Stephen de Lancey. *Endorsed*, Reed. Feb. 24, Read March 5, $\frac{1699}{1700}$. *Copy.* $1\frac{3}{4}$ *pp.* [*Board of Trade.* New York, 9. *Nos.* 13, 13.i.; *and* 54. *pp.* 94–98.]

Feb. 22. James City. **152.** Minutes of Council of Virginia. Wm. Byrd, being very lame of the gout, excused his absence by letter.

Edward Ross, gunner at James' City, gave an account of the powder in his possession; ordered to send to the several Counties to fetch away their allowance, and, if they neglect to do so, to sell it.

Mr. Attorney General ordered to prepare a proclamation proroguing the Assembly till May 8.

Michael Roderique, a Christian negro of St. Domingo and French prisoner of war, petitioned for his freedom, being detained in slavery by Col. Parke. Parke ordered to appear. Attorney General ordered to enquire into similar case of Francisco Lecastro.

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In obedience to an Order of Nov. 2, the Great Men of the Nottoway, Meheren, Nansemund, Pamunkey, Chickahamini, Rappahanock and Nantiatico Indians appeared before His Excellency and the Council, and, being examined concerning a peace they intended to make with some foreign Indians without the knowledge or consent of His Majesty's Government of this Province, they confessed that they had designed a Treaty of Peace with the Tawittawayes and other foreign Indians, and accordingly every nation of them had prepared a Peake belt—the token that usually passes between them when they desire a Treaty of Peace—and put them into the hands of the Nantiaticoes to be sent to them. But since His Excellency and the Council were not pleased to allow of such a treaty, they would not proceed any further therein, and promised that the Peake belts should be brought to James City and delivered to His Excellency, which being this day laid before the Council, ordered that the interpreters to the several nations to whom the belts belong cause them to send two Great Men of every nation to James City the next time they pay their tribute to receive their belts back again.

Thomas Holt, Sheriff of Surrey, represented that Jamey, an Indian slave, was in gaol on suspicion of murdering Thomas Bage, his master. Commission ordered to be prepared for trying him.

Gawin Corbin, late Collector of Rappahanock River, ordered to deliver all papers, etc. to Richard Chichester, present Collector; Ralph Wormley, late Naval Officer of Rappahanock River, ordered to deliver all papers, etc. relating to ships now in the country, to Robert Carter, present Naval Officer, and all others to His Excellency.

His Excellency communicated to the Council a letter he had lately written to the Collectors and Naval Officers, and informed them that he had administered the oaths to Mr. Chichester. He communicated his reply to the Council of Trade concerning Attorneys and a House for Governors, and desired advice what was proper to be done towards sending them a transcript of the whole body of laws. Edmund Jenings acquainted him that Sir Edmund Andros, a little before he left this Government, had transmitted a correct copy of all the laws in force, which was thought a sufficient answer, especially since the revisal of the laws is now in hand.

Capt. Samuel Bush ordered to restore to Mr. John Dibbs a barrel of powder belonging to him.

Capt. Nathaniel Harrison, Naval Officer, James River, reported that he had seized two servants in the possession of Major Charles Goodrich of Charles City County, who had imported them in the *Plymouth* of London without paying duty. Prosecution ordered.

Capt. John Aldred, of H.M.S. *Essex* prize, writing for several things for his ship which are in the hands of Mr. Willis Wilson, ordered that they be delivered accordingly.

Capt. Aldred ordered to discharge Nathaniel Pope, an apprentice of Richard Gregory, a merchant of this country, and also the man he had pressed from Capt. Burford's ship. He is not

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in future to press any men from ships inward bound, but one from every ship outward bound having above 12 men.

The Council advised that His Excellency write to the Governor of Maryland to let Capt. Peter Cood, H.M. Advice-boat *Messenger*, come down to this Goverment in May, and that she be well manned in Maryland, none being to be gotten here, because the ships will most of them be sailed, and H.M.S. *Essex* prize will take up all that could be spared from those here.

William Chambers, represented that the parish of Lawn's Creek, Surrey County, had been without a legal vestry for some years. Mr. Attorney ordered to prosecute those that imposed the last levy there.

Feb. 23. Commission for the trial of Jamey signed.

William Lowry, Surveyor of Elizabeth City and Warwick Counties, returned from England, ordered a new Commission. [*Board of Trade.* Virginia, 53. *pp.* 385–392.]

Feb. 23. Admiralty Office.

153. J. Burchett to Wm. Popple. H.M.S. *Tilbury*, *Experiment* and *Mary* galley being going convoy to Newfoundland and ready to proceed in a week or ten days, my Lords of the Admiralty have directed me to give you notice thereof, that if the Lords Commissioners of Trade and Plantations have any heads of enquiries to be made there, you will please to hasten them hither, that the Commander in Chief of the convoy may be directed to make the enquiries accordingly. *Signed*, J. Burchett. *Endorsed*, Recd. Feb. 24, Read Feb. 27, $\frac{1699}{1700}$. $\frac{3}{4}$ *p.* [*Board of Trade.* Newfoundland, 4. *No.* 7; *and* 25. *p.* 353.]

Feb. 23. Bermuda.

154. Edward Randolph to the Council of Trade and Plantations. I am now hastening to Providence and North Carolina, where I am sure His Majesty's affairs have long since called for me. I leave this place in as ill a condition in relation to Government as I found it. Mr. Day holds on his old way of arbitrary proceedings: he is a little more cautious, but as absolute as ever. I send duplicates of the depositions I have transmitted, which will I hear be accompanied by several articles exhibited by the poor distressed inhabitants against the present Governor taken privately by the Justices of the Peace, whose eyes are now open, and are now convinced of the great calamities the country groans under through the oppression of Mr. Day. Col. White, whose diligence and zeal to serve His Majesty has rendered [*him*] obnoxious to Mr. Day, will not act as a Justice of the Peace because the Governor and Council have refused to issue a commission according as is directed by their Excellencies' Order, lest, by taking depositions not immediately relating to the matters contained and limited in their commission, he becomes the subject of Mr. Day's hatred and injustice. I have notice of a material affidavit made by Jonathan Ward privately taken before his death. He was Mr. Day's confident and came hither with him and was preferred to be the Sheriff and Provost Marshall by him,

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but was soon turned out of his office because he would not execute Mr. Day's arbitrary and illegal commands. Col. White will transmit the depositions. I have left a draft of these Islands and of the Island of Carassaw with Mr. Samuel Spofferth, the established Collector of Customs here, with orders to send them to your Lordships; they are true done, especially that of these islands, which shews the harbours, and great benefit they are, and also the absolute necessity of preserving them from being surprised by an enemy. I have not time to offer a particular discourse upon this subject, of so great import to the Crown. I heartily wish the continuance and prosperity of all His Majesty's foreign Plantations, but am of opinion that neither Barbados nor Jamaica can countervail the loss of this place, being the key to all His Majesty's other Plantations, as well those in the West Indies as on the Continent of America, where, if these islands were in the hand of any enemy, no vessel could go out or in to the Capes of Virginia, not lying above 250 leagues W.N.W. from hence, but would be taken and the great revenue of Customs of tobacco be wholly lost. I do now and have formerly transmitted the record of the proceedings of the County Court, July 13, against me, where Thomas Burton, one of the J.P.'s and Solicitor General, was the chief prosecutor. He comes over to England in the vessel by which this with all my other papers are sent. It would be some satisfaction to me and certainly a great discovery to your Lordships, if he were summoned to appear before your Lordships and required to show for what cause I was fined 50*l*, and upon what statute they proceeded and committed me to prison till I had paid the fine. He will confess the whole intrigue, if pressed hard to give direct answers. *Holograph. Signed*, Ed. Randolph. *Endorsed*, Recd. June 7, Read June 11, 1700. 1¾ *pp. Annexed*,

154. i. Abstract of above. ½ *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 16, 16.i.; *and* 30. *pp.* 8–10.]

Feb. 23. Boston.

155. Minutes of Council of Massachusetts Bay. His Excellency produced a letter from William Partridge, Lt. Gov. of New Hampshire, giving information about the behaviour of the Indians about Cochecha. Major Tyng, of Dunstable, was sent for and enquired of concerning the Indians of Pennicooke, who said that the Sachem and several others had been lately at his house, but he could not perceive either by their words or actions that they had any design on foot. They declared their intentions to keep in good terms with the English. Major Tyng was directed to send up to Pennicooke to invite Wattanuman, the Sachem, to come to Boston, that his Lordship might speak with him.

Account of Capt. Samuel Gallop, Sheriff of Bristol County, for bringing pirates from Bristol to Boston, ordered to be paid out of the money of Bradish and Company here seized.

Petition of Capt. Thomas Gulloch, of the *Adventure*, dismissed. Committee appointed to state the accompt of charges for the taking and securing of Bradish and his accomplices. [*Board of Trade.* New England, 49. *pp.* 271, 272.]

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Feb. 26.
Philadelphia. 26th of the 12th month, 1699/1700

156. William Penn to Mr. Secretary Vernon. Honoured Friend, Thy letter to my Lieut. Gov. of Nov. 30 found me last night safe in Pensilvania, where I arrived in December. I forbear to be particular in many things, because I perceive, by a letter from the Lord Bellomont, the frigate *Advice* will be ready to sail by the time this comes to the hand of the Commander, and the Postmaster of New York that brought it is in haste to return ; so shall confine myself to the King's commands and the two laws, I called an Assembly General to enact, against pirates and forbidden trade ; though the season has been very rude for the members to travel, especially from the Capes being 150 miles. I have two pirates in hold, one was Kid's doctor, his name Robt. Bradinham, the other one Evans, who says he was cleared about two years ago at the Old Bailey, when Oldfield, etc. were condemned, as being forced off the Isle of May by Every : but because he only produced the printed account of his clearing and no other authentick voucher, my Lieutenant Governor thought fit to confine him. As for Bradinham, he pretends he came honestly by his estate, that it was his misfortune and not his crime that he ever had to do with Kidd, and that he quitted the ship as soon as he could after her Commander had violated his commission, or his share must have been much more. I have several times discoursed him and urged an ingenuous confession, as well who they are that trade with the pirates at Madagascar for the spoils they bring thither, by which they are supported, viz., provision and ammunition, as what were the most effectual ways to suppress that commerce. As yet he is not so plain in the first part. But the King will, by what he can discover, know where to lay the blame, and how to prevent those villanies. The treasure which has been taken, which he claims, I shall give an account of by the duplicate enclosed ; the original I send to Lord Bellomont. I never yet fingered one piece of his silver, and all his gold that is taken is inserted in the paper, about 3 oz. and 14 dwt. as I take it. There was also some East India goods to the value of about 30*l.* sterling, which the King's Collector demanded as forbidden traffic, and had it condemned by Col. Quary, as Judge of the Admiralty, and each took their dividend, sending me a third, as the law provides. For my security, so soon as I came to Philadelphia, I sent for Col. Quary and the King's Advocate, one Moor, and in their presence first examined this doctor, who, before them, challenged no more treasure in money or goods than the enclosed note expresses. I confess I think my interest in these cases ought not wholly to be overlooked, who as Lord of the Soil, erected into a Seigneury, must needs have a royalty, and share in such seizures, else I am in much meaner circumstances than many Lords of Manors upon the sea-coasts of England, Ireland or Scotland. I think my grant very much superior and quite of another nature and privilege. And considering the province is equally beneficial to the Crown as if it were under a temporary Governor appointed by the King, and that the King is at no charge to maintain one, it looks with some hardship that casual profits and advantages

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should not be allowed me. Besides, I am to let thee know that 1,300 dollars of this money were not taken about him or in his chest or lodgings, but found by the great diligence of the Government in searching the woods. I do not write this to dispute any right with the King, resolving to obey his commands and submit myself to his further consideration. After two or three pirates had formerly made their escape, there was a very chargeable prison built, with a strong wall, grates, rings and chains, and an officer to attend, besides the charge of taking and guarding such offenders, which has not been inconsiderable, and we have no Crown Revenues out of which to deduct for them.

In the next place, whether our people were as guilty as they have been famed, or not, I resolved to call an Assembly to make two laws against the crying sins of piracy and forbidden trade, that I might prevent, what I could, those crimes for the future, if what were past or said to be so could find no punishment by the craft of the transgressors, and this was all they did, for I was not willing to stay so long as the 10th of the month called May, where a publick duty and service pressed a hasty remedy, nor to keep them longer, tho' my own affairs were urgent for it, since the winter was so severe and the time of usual sessions in a few months after. I shall say little in favour of our good intentions, and less for our abilities in composing of these laws, but I hope they may pass for an essay of our zeal and care to suppress and prevent those evil practices we have been taxed with. And as I have been earnest to have them enacted, I shall be as diligent to see them effectually executed, and if any idle and loose persons in this Government have been tardy at any time, the generality offer to purge themselves, as the Council and Assembly have, by an Address to me, upon the information they had received of the Government's being accused at home of not only being careless but of conniving at such base practices. I send their Address with the laws to the Lords of Trade, whose province the King has more particularly made it, leaving the Lieut. Gov. to make his own defence, which I presume he will by the first opportunity. He is very weak and at best but a cripple and prisoner to the gout. The prisoners shall, *per* first, go to New York and the treasure too (one of them is poor, and never had much, Evans). I perceive the prisoners cannot reach the *Advice* frigate, and therefore we do not post them away, and besides the Earl of Bellomont directs their going by a small frigate from New York when fitted. My passage was long, three months, but merciful, in that the North-Westers had purged this town from a distemper that had raged in it for two or three months, of which 215 died. We are now healthy, our river open, and the Spring looking towards us here. Here is a mighty improvement in town and country, and, if not unkindly checked, may prove a specimen of industry not inferior to any of this or former ages. I hope for thy friendship. My duty to the King, and let my old friends find my respectful and hearty salutes here. *Signed*, Thinking my own coppy not clean enough, I chose another hand, which may excuse, Wm. Penn. *Endorsed*, R. June 25, 1700. 8 *pp.* [*Board of Trade.* Proprieties, 5. *No.* 17.]

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Feb. 26. Whitehall. **157**. Journal of Council of Trade and Plantations. Order of Council, Jan. 25, referring petition of Francis Broughill (*Burghill*) read.

Letter from President and Council of Nevis, Jan. 8, read. Col. Codrington summoned to attend.

Letter from Col. Quary, Oct. 20, 1699, read.

Feb. 27. Letter from Mr. Burchett, Feb. 23, desiring orders for the Commodore of the convoy to Newfoundland, read. Directions given for making some alterations in last year's heads of enquiries.

Mr. William Wallis, a merchant attending upon occasion of Lord Jersey's letter, Feb. 12, about a licence for cutting trees in New England for the navy, said he had entered into a contract with the Navy Board for bringing masts from New England, but by reason of a proviso in the Massachusetts Charter, it not being lawful for anyone to cut trees within the limits of that Province of the necessary dimensions, without His Majesty's special licence, he desired such a licence, and produced one formerly granted to Mr. John Shorter and himself, March 15, 169½. He spoke of great waste made in the woods for want of due care in the surveyor (Mr. Brenton), and desired that since he is so much in England, his Deputy, Ichabod Plaisted, who is every way well qualified, may have some larger allowance. He was instructed to draw up a memorial. [*Board of Trade.* Journal, 12. *pp.* 386–389; *and* 97. *Nos.* 38, 39.]

Feb. 27. Philadelphia. 27th of the 12th month 1699. **158**. William Penn to the Council of Trade and Plantations. Noble Friends, I could not well omit this opportunity, tho' I have very little time allowed me from Boston, whence the man-of-war is speedily to be dispatched with Kid and such of his gang as are there, at Road Island and Conetticot, referring the rest in New York, the Jerseys, Pensilvania and Maryland to another passage, which the Lord Bellamont, to whose care I perceive the matter is left, will send by a small man-of-war now fitting at New York, and which will not be ready till the beginning of the month called May, by which I design to be particular.

I leave to those who have been so elaborate and elegant in representing the weakness and faults of the Province of Pennsilvania to give you an account of mine since my arrival; who, if they will do me justice, will have less to say to my disadvantage. I forbore resentment or trials, because the Earl of Bellomont is by the rigour of the winter and gout at so great a distance. But as the Lieut. Gov. is of course laid aside, so I have displaced the offensive Justice, otherwise an active officer, and called a General Assembly to pass two Bills against the crying sins of piracy and forbidden trade, and so return home till the Spring, which is our usual time of sitting in these parts. By them and the Proclamation you will perceive the uprightness of our intentions, as well as inexpert clerkship; you will, I hope, accept the one and excuse the other. It is an experiment of our zeal, and their exact execution shall be an instance of my care and duty to the King and Crown of England. *Repeats part of No.*

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156. The General Assembly have addressed me in their vindication of the crimes they have been charged with, and hope that such an addition to the Empire of the Crown shall not be misunderstood, when so well meant, and without expences to or from the Crown. It will be much in your justice, wisdom and goodness to succour and protect us. I beseech it from you and that if my representation shall fall under any suspicion, you will take your information from the impartial, and such I hope my neighbours are, I mean the Earl of Bellumont and Col. Blackistan. If the laws I left behind me with your Board have not passed the King's approbation, they may, if you please, stay till our whole Body of Laws be transmitted from our next General Assembly, after which we design to have them printed, for the instruction of the people in this Government. In the meantime, I hope you will be pleased to consider the great and destroying difficulty we labour under, that where we are three to one in number, and in estate more superior than that, to be very modest in our computation, we may not want the privilege the wisdom of the King and Parliament have thought fit to grant our friends in England that are so small a part of the whole, viz., to register their ships without an oath, which the late Act of the 7th and 8th of this King has abridged us in, to be sure by no design in our superiors, and, I would charitably hope, at most a slip in those that promoted it to Parliament. In short, it destroys trade and discourages shipping, several being now ready to launch and others to go to sea, and are stopped by that difficulty. I beseech you let the enclosed be crowded into some Act or other, or one better expressed to the same effect, that we may no longer labour under the severity of making brick without straw or starve. *Signed*, Wm. Penn. *Endorsed*, Reed. June 25, Read July 26, 1700. 4 *pp.* *Enclosed*,

158. i. Abstract of above.

158. ii. Printed Proclamation, offering 10*l.* reward for the apprehension of any pirate. Philadelphia. Dec. 23, 1699. *Signed*, W. Penn.

158. iii. Address of the Representatives to William Penn, Proprietary of Pensilvania and Counties annexed. Feb. 9, $\frac{1699}{1700}$. We are not unsensible of the reiterated complaints against us at home in reference to our countenancing piracy, encouraging unlawful trade, and opposing the establishment of the Courts of Admiralty. We have always had a just abhorrence of pirates. As to forbidden trade, the generality of the inhabitants are clear of that imputation. We desire the guilty may be detected and punished. As to obstructing the Officers of Customs and Court of Admiralty, we hope the Government is clear of it. We hope the Bills thou recommended to us, and which we have passed, will prove effectual. We desire thou would be pleased to represent to the King that the Surveyor General of his Customs, knowing that the greatest part of the people of this province cannot for conscience take an oath, did forbid the

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Collector here to suffer any Quaker to register vessels upon attest or solemn affirmation as is allowed in England by law and in Maryland and other Plantations where there is no such law, which has proved injurious to the King's interest and discouraging to trade. The charge that the inhabitants of this Government have greatly enriched themselves by forbidden trade and the spoils of pirates is utterly false. Our industry is well known. *Signed*, by the Speaker, Representatives, and Members of Council. 1 *large p.*

158. iv. Draft of clause enabling Quakers in the Plantations to register and clear their vessels by solemn attest or affirmation. $\frac{1}{2}$ *p.* [*Board of Trade.* Proprieties, 5. *Nos.* 18, 18.i.–iv.; *and* (*without enclosures*) 26. *pp.* 266–271.]

Feb. 27. **159**. Copy of a licence to John Shorter and Wm. Wallis to cut trees in New England for His Majesty's Navy. March 15, 1691-2. *Countersigned*, Nottingham. *Endorsed*, Recd. Feb. 27, $\frac{1699}{1700}$. 2 *pp.* [*Board of Trade.* New England, 10. *No.* 20.]

Feb. 27. **160**. Copy of Mr. Jahleel Brenton's Privy Seal for the place of Surveyor of the woods in the Provinces of Main and New Hampshire. *Endorsed*, Recd. Feb. 27, $\frac{1699}{1700}$. 3 *pp.* [*Board of Trade.* New England, 10. *No.* 19; *and* 37. *pp.* 398–401.]

Feb. 27. **161**. Minutes of Assembly of Barbados. (Adjourned from Feb. 20.) Bill for disposal of servants, sent down from the Council, passed.

Feb. 28. Ordered that 10 servants now in the possession of the Governor be presented unto His Excellency.

Bill for securing the possession of negroes, etc., passed with amendments. Salaries of officers of the House voted.

Bill to prohibit the exportation of Spanish money read and passed. [*Board of Trade.* Barbados, 65. *pp.* 466, 467.]

Feb. 27. **162**. Minutes of Council of Barbados. It appearing that Mr. Skene was born in Scotland, it was unanimously decided that according to the Act for preventing frauds, etc., Alexander Skene was not qualified to act as Secretary of the Island. Bill for raising a levy read a third time and passed. Committee ordered to inspect the stores of the magazine. Petition of Francis Draycott, Capt. of the guards of the magazine, for the payment of himself and his men, granted.

Bill for the equal placing out of servants now belonging to the country and undisposed of, amended, passed and consented to by His Excellency. Bill for the peaceable possession of negroes, etc., passed with the omission of one clause. (Consented to March 2.) [*Board of Trade.* Barbados, 65. *pp.* 491–493.)

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Feb. 28. Barbados. **163.** Governor Grey to the Council of Trade and Barbados. Mr. Alexander Skene, having obtained H.M. Patent for Secretary of this island, presented it to me in Council, Jan. 16th. It being objected that he was born in Scotland, in the end it was plainly proved that without infringing upon the laws and breaking the Acts of Trade, we could not dispense with him to act. *Signed*, R. Grey. *Endorsed*, Recd. Ap. 29, Read Ap. 30. 1 *p. Addressed and sealed. Enclosed*,

163. i. Certificate that the following papers dealing with the case of Mr. Skene are correct copies. *Signed*, R. Grey, Ed. Bedingfield, Sec. 1 *p.*

163. ii. Copy of Minute of Council of Barbados. Jan. 16–Feb. 27, 1700. 2 *pp.*

163. iii. Copy of a summons to George Payne, George Mackenzie, Enoch Gretton and Capt. Benjamin Holt, to give evidence as to the birthplace of Alexander Skene. 1¼ *pp.*

163 iv. Copy of summons to Mrs. Ellinor Skene for same purpose. 1½ *pp.*

163 v. Copy of summons to Alexander Skene to give evidence as to his qualifications to act as Secretary. ½ *p.*

163. vi., vii., viii., ix. Copies of evidence of Enoch Gretton, G. Payne, G. Mackenzie, and B. Holt that Skene was born in Scotland.

163. x. Deposition of E. Chilton and Richd. Turner, H.M. Attorney and Solicitor General, as to the refusal of Alexander Skene and Mrs. Skene, his mother, to give evidence as to his birthplace. [*Board of Trade.* Barbados, 8. *Nos.* 45, 45.i.–x.; *and* (*without enclosures*), 45. *pp.* 50, 51.]

Feb. 28. London. **164.** Sir Thomas Day to the Council of Trade and Plantations. Answer to the complaints against his son, Lt. Gov. of Bermuda. [*See* No. 23.] (1) Refers to Gov. Day's letter of May 18, 1699. The commitment of Mr. Randolph was legally made by and with the advice and consent of the Council. (3) Refers to Gov. Day's letter of April last. (4) Refers to the affidavit of Jonathan Ward, Keeper of the Stores. (5) Refers to an Act of the Justices of the Peace, May 18, 1699. (7) Refers to affidavit of James Browne, Richd. Craddock and John Harlove, Dec., 1699.

As to the charge of Mr. Brice, that before his departure hence Gov. Day gave away many of the books sent by Dr. Bray for the Church Library in Bermudas, respondent saw them packed himself and took great pains to secure their safe arrival. In a letter of Ap. 15 Gov. Day informed respondent that William Brice had procured the escape of a notorious pirate with ten men. *Signed*, Tho. Day. *Endorsed*, Recd. Read Feb. 28, $\frac{1699}{1700}$. 1¼ *large pp.* [*Board of Trade.* Bermuda, 4. *No.* 17.]

Feb. 28. Whitehall. **165.** Council of Trade and Plantations to the King. Having several times already humbly laid before your Majesty and their

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Excellencies the Lords Justices such informations as we had then received of the ill conduct of Mr. Samuel Day in the administration of the Government of the Bermuda Islands, we lay the matter before your Majesty as it now appears to us upon farther evidence. (1) Day has arbitrarily and illegally imprisoned and fined Mr. Edward Randolph, to the great obstruction of your Majesty's affairs under his care. (2) He has made several alterations in the Council, taking in and putting out members contrary to your Majesty's instructions, and without giving any account thereof. (3) He has displaced several other officers, as is suggested to us, upon unwarrantable grounds, but without signifying his reasons to us. (4) He has refused to allow depositions to be taken relating to differences between Col. Goddart and Mr. Richier, late Governors, by Commissioners which ought to have been nominated by them respectively in pursuance of the Order in Council Dec. 19, 1695. (5) He frequently exacts exorbitant fees or gratifications upon frivolous pretences, of which kind, besides the instance of a Jamaica vessel stopped by him and already represented to your Majesty, we have had depositions of his forcing Mr. Nicholas Trott to pay 50*l.* for his permission to remove from Bermuda to Carolina; of his illegally imprisoning Mr. Henry Pullen when he was ready to sail, and threatening to make him pay 40*l.* for his clearings, which was not due, and to avoid the payment whereof Pullen made his escape; of his forcing valuable effects from Jonathan Waterland, master of a ship belonging to Hull, who put in there occasionally to refit his vessel, before he would permit him to depart, though Waterland had the permit of the Collector and Naval Officer for the goods he had there taken in; and of his offering to discharge Daniel Smith and Benjamin Griffen, two persons imprisoned there upon suspicion of piracy, upon the payment of 100*l.* each, but for want thereof continuing them in prison without either bringing them to trial or admitting them to bail. (6) He solicited William Bryce, then Deputy Marshal, and Jonathan Ward, then Provost Marshal, to clip money, offering to furnish each of them with weighty pieces of eight for that purpose and to share the profit with them, and proposed that if they would engage certain other persons in the like practice and then inform against them, so that their estates might be liable to confiscation, he would not only secure but recompense the said Brice and Ward. We lay before your Majesty a copy of Brice's deposition, to which Sir Thomas Day attending us has objected that Brice is an outlawed person and otherwise a man of ill-fame. (7) For the covering of these and other misdemeanours, and for hindering proof thereof to be brought from thence, he obstructed the taking of depositions relating thereunto by persons in lawful authority there.

Upon all which we humbly offer our opinion that the irregularities and misdemeanours whereof Day appears to be guilty are such that it is noways for your Majesty's service that he be continued in the Government of those islands. *Signed*, Stamford, Lexington, Phil. Meadows, Wm. Blathwayt, John Pollex-

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fen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Bermuda, 29. *pp.* 261–264.]

Feb. 28. Whitehall. **166.** Mr. Secretary Vernon to the Council of Trade and Plantations. Referring the enclosed petition for their opinion and the report of what advices are to hand from the Governor concerning the matter. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read March 4, $\frac{1699}{1700}$. *Enclosed*,

166. i. Petition of John Smith of Bideford to the King. Petitioner equipped the *Pearl* for a fishing voyage in Newfoundland last April. She was seized by Bourke, an Irish pirate, and carried into Hispaniola. The English prisoners seized the ship by killing several of the pirates, and brought her into Port Royal, Jamaica. The Governor sold her and her goods for about 463*l*, though the first cost was upwards of 3,000*l*. Petitioner prays for redress. 1 *p. Enclosed*,

166. ii. Affidavit as to the cargo, etc., of the *Pearl* and the disposal of it by the Governor of Jamaica. 1 *p. Signed*, John Smith.

166. iii. Affidavit of the boatswain of the *Pearl*, as to the voyage and seizures of the *Pearl*. 1 *p. Signed*, Tho. Taylor. [*Board of Trade.* Jamaica, 9. *Nos.* 10, 10.i.–iii.; *and* (*with first enclosure only*) 57. *pp.* 16–19.]

Feb. 28. Boston. **167.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I was in great hopes I should have received your Lordships' commands before this time, having understood by marchand ships that left England in company of Capt. Foster and Capt. Mason, masters of ships belonging to this town, that they had packets for me, but they being not yet arrived we conclude 'em blown off the coast. We have had an ugly alarm of late of a general insurrection and rebellion of all the Indians in all these Provinces intended to be this next April or sooner, which has mightily frighted the English, especially those that live in the frontier towns and places, who are forced to be on their guard and in arms. What advice I have had by letter concerning the intended rising I herewith send. Col. Schuyler's letter telling me that things were well and quiet with our Five Nations, I sent Gov. Winthrop a copy of it, yet I do not at all like that part of it that the French at Cadaracque Fort are supplied with provisions from our Onondage Indians. I am against all manner of correspondence and commerce between the French and these Nations, especially the Onondages, who have a greater leaning to the French than any of the other Nations, which is supposed to proceed partly from the neighbourhood of Cardacque Fort, which is a terror to 'em, and partly from the pains the French missionaries take to proselyte (*sic*) 'em and at the same time engage 'em in the French interest. But that which most induces my belief that there is a general combination among them to make an insurrection upon the English, is what Mr. Sabin, who

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lives near Woodstock, about 70 miles from hence, has related. He came here this last week by night that it might not be known to his Indian neighbours. He was under great apprehension of the Indians. I got Dr. Cooke and Mr. Secretary Addington to discourse with him, who wrote what he told them from memory, for he would not suffer them to write any relation from his mouth for fear it should be known. I doubt not but the Indians that informed him of the plot meant the French Jesuits under the words "cunning men." Without all doubt their missionaries are endeavouring to debauch our Indians from us, and I question not but M. de Bruyas, the Jesuit that was sent to me by M. de Callière, and a great many missionaries besides, are at this time among our Five Nations and practising to alienate them. I sent you a copy of this Jesuit's letter, Nov. 29 last. He seems cunningly to ask my consent to go among the Mohacks and Onondages, and, to induce me to it, quotes Sir E. Andros' great civility to him and the rest of the missionaries in that respect: he never told me while he was with me at Rhode Island the least syllable that he had been among our Five Nations or intended to go among 'em. His letter bears date Oct. 13 from Albany, and came not to my hands till Nov. 22. Probably there was a design in the slow conveyance of the Jesuit's letter, that it might not be in my power to prevent him. The first account I had of the Indians intending to rise was from an Indian that came from New Roxbury, a plantation lying towards Connecticut, and it was so little regarded by the Council that he went away without any reward or the least thanks for his pains. I well remember that he told me there was a rumour spread among the Indians that exasperated them above all other things, that our King had ordered all the Indians in these Plantations to be disarmed, in order to a total extirpation of them. This has made me reflect on what is given in command to the Governor of Canada by the French King, March 25, and to me by His Majesty, April 4, about disarming our Indians. I confess I thought it a very unhappy step when I first read His Majesty's letter, and it then ran in my thoughts that the French would most certainly improve that part of the King's letter to our disadvantage, and to be sure they would not be such fools as to discover to the Indians that their own King had sent the same orders, but our King's letter, I believe, they have made it their business to make known all these provinces over. Your Lordships may consider whether the Indians would submit to be disarmed, when 'tis by their guns they maintain their families with food and provide the several sorts of peltry which is their only trade, and that alone by which they furnish themselves and their families with clothes: there is a third reason most prevalent of all with them, the extreme delight they take in hunting, to kill beavers, and others beasts, but especially deer and moose. The delight they take in it cannot be better conceived than by the vast range they take in the country, which is all, generally speaking, covered with thick woods, and they frequently go 7 or 800 miles on the stretch in their hunting season. I believe an Indian

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has a greater passion for hunting than for wife or children, and whoever talks of disarming them will set 'em all in a flame. If a speedy and effectual course be not taken, we shall lose the Five Nations irrecoverably. The French never applied themselves so industriously to debauch them from us, and we have nothing nor do nothing to keep 'em in good humour. The forts at Albany and Schenectady are so weak and ridiculous, that they look liker pounds than forts. Our soldiers who ought to be 400 men are not above 180, and not half of those would be suffered to muster in a regiment in England, and this for want of recruits. Such weakness makes us contemptible to the Five Nations above all other things: they know such pitiful forts and a handful of ragged, half-starved soldiers will not be able to protect 'em from the French. It falls out too very unluckily that Col. Schuyler and Mr. Livingston, who are the men of best figure in Albany and are most popular with our Five Nations and the principal men in managing them, are at this time in the highest discontent imaginable, and truly not without reason, for they had good estates, but by victualling the companies they are almost broke. I believe they cannot have disbursed less than 7,000*l.* between 'em, besides what Col. Cortland has disbursed at New York, which I believe is 3,000*l.* by this time. If those three men knew what Sir W. Ashhurst writ to me, it would make 'em quite desperate, but I dare not let them know a word of it nor yet any of the officers. I appeal to your Lordships whether it be possible to be in worse circumstances than I am, to defend these countries, if another war should happen. I have been informed that the Paymaster General neglected to put the four companies at New York into the estimate he laid before the House of Commons, though he was put in mind of it several times and though they have been for several years upon the establishment with the army in England, so that he could not pretend an oversight. Our Five Nations are the barrier at present between the French of Canada and Virginia and Maryland as well as New York. If the French can seduce them, Virginia and Maryland will be quite destroyed and with the greatest ease. Three hundred of those Indians with their usual rapidity would not leave a Planter or Plantation in those Provinces in two months, for the Planters there live scattered, and there is not a town in either of them. Jamestown, the only place called a town in Virginia, has not above twenty houses. If those two Provinces are destroyed everybody knows what a considerable revenue will be cut off from the Crown. If I were not so pinioned for want of orders, soldiers and money, I would have sent a message to the Five Nations immediately upon the first of this alarm to meet me at Albany in the middle of May. The messengers should have been ordered to suggest to 'em that I intended 'em a good present. I would meet with 'em with good presents and give 'em a greater quantity of fire-arms and powder and lead than ordinary to make the report of our King's order appear a French fiction. I would agree with the Onondage Nation that a fort should be immediately built where their castle stands and would

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send Col. Romer out of hand to mark out the ground for it and 100 soldiers should fall to work. Col. Romer is of opinion that a good fort well stockaded may be made for 1,000*l.* or 1,200*l.*, that would be a good defence for the Onondage Nation against the Freneh. There I would have 100 soldiers constantly in garrison and employed in making tar and pitch, which would have a water carriage all the way to New York, down the Mohack's river and so into Hudson's River. A fort built there would draw some English families, and a minister might live there to instruct those Indians as desired. By money or extraordinary presents I would engage the Sachems of the Mohack and Onondage Nations to deliver me up all the Jesuits they have among 'em, who I would send prisoners to England, for without doubt they have been tampering to debauch our Indians from obedience to the King, and such a discovery of their ill practices which would naturally follow from the Sachems, would very well justify my sending those vermin to England to be punished as they deserve. The Jesuits would never trust themselves again among those Nations, and it would create an eternal implacable hatred between our Indians and them. I proposed the building of a sod-fort at the Onondage's Castle in my letter of Nov. 29, but I doubt if you approve of it, yet your order may come so late that this summer will be lost, and then I fear the consequence of such a loss of time. The truth is, the great distance between England and these Provinces, and the necessity which that causes of my waiting for orders upon all occasions is very discouraging. I should think a discretionary power ought to be allowed a Governor upon emergencies, but under such restriction as that if he could not give very sufficient reasons for his proceedings, then to be accountable to the King. There ought in my opinion to be an order from the Treasury Board giving me credit for a sum limited, and then I draw for money as the necessity of the service requires, taking up the money of the marchands of New York, and giving them my bills on the Treasury Board. In that case, there would be a necessity at this juncture of time of drawing for about 1,300*l.*, 800*l.* to be laid out in presents for the Five Nations and 500*l.* for beginning the immediate building a fort: the rest of the money to be drawn for as the work advanced, for the Revenue of New York is so small at present and so clogged with debts, that there is no money to be had there nor credit with the monied men. There is a concurrence, I think, of ill accidents to cross my measures. The Board of Ordnance have sent Col. Romer an order to return. For my part I do not think fit to part with him till I receive your orders upon my letters about the forts. I do not dispute that Board's right of appointing an Ingineer, but as to the expediency of his continuance here I think they would do well to consult your Lordships. Col. Romer is mightily disturbed how to behave himself between their order and my injunction. Their retrenchment too of 10*s.* per day off his allowance troubles him. I hope you will please to obtain the King's order for his stay here. Notwithstanding my former proposition about

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making tar and pitch at New York, or the tar there and the pitch in England, and of the King's sending soldiers thither to make up 1,000 in all, yet I would not advise the sending all the soldiers at once, because I would not engage the King in so great an expense at first, till I can satisfy His Majesty demonstrably that my proposition is practicable. I therefore desire that for the present 250 recruits may be sent to complete the four companies, and that two new companies of 100 men each may be also sent, who will not only be useful for work, but also an encouragement to our Indians to see that care is taking to strengthen our frontiers. The three forts should be begun out of hand. I am in hopes the Assembly of New York will give a tax for the materials of the forts at Albany and Schenectady, which would be about one-third of the charge, and if I have a good Judge and Attorney General from England, I hope so to improve that Revenue as to make it answer the rest. Let it be considered that each of these forts will require the work of 100 soldiers, which will hinder their working at tar and pitch a considerable time. If the arrears of pay and subsistence be not paid to the four companies, I know not how any part of this design can be carried on. The victuallers should be paid in the first place, and our companies being so defective as they are, the pay and subsistence that would otherwise have been due will answer the charge of the 250 recruits now required and of the transportation of the two new companies proposed. Mr. Livingston lately writ from Albany that the Governor of Canada has been fortifying Montreal this last summer. I send over Lt. Hunt this second time for recruits, and at the same time he has in charge the pirates' effects now sent over in the *Advice* frigate. I entreat you to honour him with your favour and protection. If he performs this trust faithfully I hope he may be thought to deserve a company of foot, if there be any new ones raised for New York, for he has served the King honourably these several years as Lieutenant. I send you minutes of Council of New York for Oct., Nov. and Dec. last, and the muster-rolls of the four companies at New York. My L. G. has altered the dates of the Rolls of his company and mine to make them agree with the date of the muster-rolls sent from Albany of the two companies quartered there. I know no hurt in it but that it makes an ugly blot. The L. G. and I are put to great straights for want of the present made us by the Assembly of that province, which we meddle not with till we have the King's leave. I hear the faction have sent a petition to England signed by 5 or 600 hands wherein, among other grievance, they complain of that 2,000*l.* tax, but they could formerly submit to Col. Dongan's having 1,600*l.* and Fletcher's having a penny in the pound upon all estates, which I have been told would have amounted to 2,000*l.*, but that Col. Fletcher by his greediness so mismanaged the collection of it that he lost the greatest part. I remember he told me at my first going to York that he received but 600*l.* of the country's benevolence, and he railed very scurrilously at a marchand that he had entrusted with the collection

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of that money, but was deceived by him. I am informed their petition was sent from England and intended for Parliament. The signing, I hear, was managed by Bayard, Nichols and a club of such men, and to encourage people to sign they reported confidently that I was to be superseded and named the man that was to succeed me. I send you the printed laws of this Province. *Signed*, Bellomont. All things are in a miserable condition in this Province as well as New York, should there happen a war. There are not in this whole province fourty barrels of powder. There is a necessity for clothes for the soldiers at New York against next winter, as well as for the recruits and new-raised companies. I send the Naval Officer's Registry and book of Entries of ships at New York from Midsummer to Christmas. *Endorsed*, Recd. April 13. Read April 17, 1700. *Holograph.* 9 *pp. Enclosed*,

167. i. Abstract of above. $2\frac{1}{2}$ *pp.*

167. ii. Governor Winthorp to Lord Bellomont. New London, Jan. 29, $\frac{1699}{1700}$. A few days ago one of the Council (Capt. Mason) informed me that Owaneco, Sachem of Monhegan, told him that the Five Nations, the Shachkook and Eastward Indians had agreed upon a design to cut off the English, and had sent him wampom, which was their letter, to engage him in it. His account makes our farmers a little uneasy, as yet very sensible of the calamities of the former war. I cannot reasonably think that the Five Nations or Shachkook Indians would break the least link of their Covenant Chain, or the Eastward Indians the peace which your Excellency has so lately made with them, but 'tis rather to be doubted a design of our former enemy Indians to make an adventure upon our Upper Plantations, whose guilt in the murther of many of our people makes them keep at a distance. One Toby, who is reported as the principle instigator to this design, had a particular hand in killing one Johnson. I have sent out a principle Indian to find out Nanaquabin, who brought the wampom to Owaneco, and, if possible, to bring him in, of whom I hope to hear further concerning Toby. *Signed*, J. Winthorp. *Copy.* 2 *pp. Endorsed*, Recd. April 13, Read April 17, 1700.

167. iii. Information of Owaneco, Sachem of Monhegan, given to the Governor and Council of Connecticut, New London. Jan. 22, $\frac{1699}{1700}$. About two months ago a Dutchman at Albany had persuaded the Mohawks to buy 20 barrels of powder from him by telling them that King William had ordered all the Indians to be cut off, and that the English and French had letters about it. The Canada Indians, having heard the same, came over presently and held a great Council with the others against the English. An Indian, Toby, that lives at New Roxbury and had a hand in killing one Johnson near there in the last war with the Indians, told them that, if

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they did but draw off the friend Indians, they might easily destroy the English. Whereupon they sent him with presents to the Nipmug or Wapaquassett Indians and to the Mohegans to draw them off from the English. About a month since he heard that the Mohawks and the Nowonthewog, or Eastward Indians, had combined against the English, and that they had agreed to send wampom to the Seewonkeeg, or Western Indians, and that they had sent a girdle of wampom to the Wapaquasset, or New Roxbury Indians. A week after, Nanaquabin, a principle Indian among the Wapaquassets, told him of the design and gave him a part of the girdle of wampom, which he had delivered to Capt. Mason. He tried to persuade him to draw off from the English. *Copy.* 3 *pp. Same endorsement.*

167. iv. Information of Blaek James, Feb. 1, $\frac{1699}{1700}$. Whilst hunting near Massomuck he came upon Toby and a party of Indians with Mohawks' wampom plotting against the English. *Copy.* 1 *p. Same endorsement.*

167. v. Information of Spuna, an Indian Squaw, about the Indian plot, Feb. 3, $\frac{1699}{1700}$. Toby and a Sachem of the Pennicooks induced the Wapaquassets, when a hunting last fall, to be ready to fall upon the English this February. They agreed that Norwich in Conneeticut was a good place to begin with, and resolved to kill any that should make a discovery. 1 *p. Same endorsement.*

167. vi. Col. John Pynchon to Lord Bellomont. Feb. 5, $\frac{1699}{1700}$. Gives information as to the movements of the Wapaquasset Indians, gone eastwards to the enemy, probably to the Pennicook Indians. *Copy.* 1 *p. Same endorsement.*

167. vii. L. G. of New Hampshire to Lord Bellomont. Portsmouth, Feb. 20, $\frac{1699}{1700}$. Capt. John Tuttle of Dover informed me yesterday that the Indians late converging at Cochecha were suddenly withdrawn. They have of late narrowly viewed the houses at Dover, and given occasion of suspicion that they design mischief. The Indians that appeared at Cochecha are believed to be both Albany and Eastern Indians. I pray your directions, and meantime have ordered watches and wards to be kept in the out towns to prevent a surprize, but so that if any Indians still come in they may be treated as before without discovering anything of our suspicion of them. *Signed,* Wm. Partridge. *Copy.* 1 *p. Same endorsement.*

167. viii. Information of John Waldron of Cochecha, Feb. 19, $\frac{1699}{1700}$, as to the departure of the Indians. Account

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of an Indian Squaw's warning to Nathaniel Hird's wife at Cochecha. *Copy.* 1 *p. Same endorsement.*

170. ix. Col. Schuyler to Lord Bellomont. Albany, Feb. 1, $\frac{1699}{1700}$. I shall endeavour to prevent the exportation of horses to Canada. Here is news that the settlement at Cadaraeque by the French are so much in want of provisions that they must be supplied by the Onnondages and Sennecks, and as far as I can understand is very scarce in Canada. *Signed,* P. Schuyler. *Copy.* $\frac{3}{4}$ *p. Same endorsement.*

170. x. Copy of information of John Sabin of Woodstoek. Feb. 20, $\frac{1699}{1700}$. More than half a year since some of the friend Indians hinted to him that there was great likelihood of a rebellion against the English through the instigation of the Governor of Canada, who had sent his cunning men among the Indians to insinuate that the King of England designed to cut them off. He has since discovered that the plot has made progress and was coneerted for the end of April, near Pennieook, but that now, having understood that their design is sinee disclosed, they design it for this month. The Sachem of Penicook boasted that he had the longest bow that ever was in New England : it reached from Penobscot to the Mohawks' Country, meaning that all the Indians throughout the country were engaged in the design : the Mohawks and others of the Five Nations were already fixed not to engage on the side of the English, and they hoped to engage them actually against them : the Governor of Canada's cunning men had made them understand that in case of a breach between the English and the Indians, he would invite the Indians to him and proteet them ; the peace between the French and English would not last long, and then the Freneh and Indians would be all one, for the Freneh Governor loved the Indians. *Copy.* $2\frac{1}{4}$ *pp. Same endorsement.*

170. xi. Copy of an Order from the Board of Ordnanee for reealling Col. Romar. Nov. 10, 1698. 1 *p. Endorsed,* Reed. April 13, 1700.

170. xii. Memorandum of Minutes of Counеil of New York, Oct. 4–Dee. 20, 1699. $\frac{1}{2}$ *p.*

170. xiii. Muster-roll of Governor Lord Bellomont's Independent Company of Fuzileers at New York, Nov. 18, 1699. 1 *large p. Same endorsement. Signed,* A. D. Peyster, D. Provoost, mayor, Peter Matthews, John Bulkley, lieutenants.

170. xiv. Muster-roll of the L. G.'s Company of Fuzileers at New York. *Signed,* A. D. Peyster, D. Provoost, mayor, John Nanfan, John Riggs, Charles Oliver, lieutenants. 1 *p. Same endorsement.*

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170. xv. Muster-roll of Major Richard Ingoldesbye's Company of Grenadiers at Albany. *Signed*, Pa. Schuyler, Robt. Livingstone, Pieter Van Brugh, mayor, Matthew Shanks, lieutenant. 1 *p. Same endorsement.*

170. xvi. Muster-roll of Capt. James Weemes' Company of Fuzileers at Albany. *Signed*, James Weemes, Pa. Schuyler, Robt. Livingstone, Pieter Van Brugh, mayor. 1 *p. Same endorsement.*

170. xvii. Memorandum of Naval Officer's Account of ships entered at New York, June 26–Dec. 23, 1699. ½ *p.*

170. xviii. Memorandum of Naval Officer's list of ships registered at New York, June 24–Dec. 25, 1699. ½ *p.* [*Board of Trade.* New York, 9. *Nos.* 16, 16.i.–xviii.; *and* (*without enclosures*) 54. *pp.* 165–194; *and* (*abstract*) 45. *pp.* 75–79; *and* New England, 37. *pp.* 442-467; *and* (*Memoranda of above letter and some of the enclosures*), *and Board of Trade.* New England, 10. *Nos.* 21, 21.i.–ix.; *and* (*No.* xii. *only,*) New York, 72. *p.* 289.]

Feb. 28. Whitehall. **171.** Journal of Council of Trade and Plantations. The Earl of Stamford said that the Mr. Crips mentioned Feb. 8 was no relation to the Crips mentioned in a Jamaica Act, and had no objection to it. Representation to lay the Acts of Jamaica before His Majesty ordered.

Col. Codrington said that the reason why he delayed his departure to the Leeward Islands was that he could not obtain payment of the arrears due to his father. He promised his answer more fully in writing.

Sir Thomas Day presented his answer to the complaints against his son. The Board did not find anything now offered of weight to obstruct the presenting the representation signed Feb. 15 to His Majesty, but ordered these words "To which Sir Thomas Day attending us has objected that the said Briee is an outlawed person and otherwise a man of ill-fame" to be added, and the date of the representation to be altered.

Representation upon the petitions for the Government of the Bermuda Islands ordered to be laid before His Majesty. Mr. Burghill desiring the favourable report of the Board upon his petition, their Lordships found the terms proposed by him very unfit to be allowed and directed a representation accordingly.

Mr. Brenton, being informed that complaint had been made that the allowance given by him to his Deputy Surveyor was insufficient, he said that his own salary being 50*l.*, he was willing henceforward to allow him one-half of it.

Order of the Committee of the House of Commons, Feb. 28, that the Secretary lay before them the entry of the Instructions from the Government of New York to Col. Palmer and the Agents here about 1685–1687, as also an authentick draught of the country of New York and Hudson's River, read. Directions given for laying before the Committee several papers and the map of the Province of New York lately received from the Earl of Bellomont.

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Feb. 29. Representations relating to Bermuda sent to the Council Board.

March 1. Col. Codrington presented his answer and desired that it might be laid before His Majesty by the Earl of Jersey. Letter ordered accordingly. Signed and sent. [*Board of Trade.* Journal, 12. *pp.* 389–394; *and* 97. *Nos.* 40–42.]

Feb. 29. Whitehall. **172.** Council of Trade and Plantations to the King. Upon the petition of Francis Burghill and your Majesty's Order in Council, Jan. 25 (*q.v.*), we humbly report that it is by no means fit that the maintenance of a Governor should be made dependent on his success in the discoveries of forfeited lands, which will occasion suits at law, in the determining of which he himself as Governor will be judge, and therefore do not conceive it for your Majesty's service that the petition be granted. *Signed*, Stamford, Lexington, Phil. Meadows, Jon. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Bermuda, 29. *pp.* 265, 266.]

Feb. 29. Kensington. **173.** Order of King in Council. Copy of the report of the Council of Trade and Plantations concerning Gov. Day ordered to be given to Sir Thomas Day. Sir Thomas or his Council to be heard at this Board on March 7. *Signed*, John Povey. Mr. Popple to get all papers relating to Gov. Day since beginning of July in readiness to be laid before His Majesty in Council. *Endorsed*, Recd. Read March 4, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Bermuda, 4. *No.* 18; *and* 29. *pp.* 266, 267.]

Feb. 29. **174.** Christopher Codrington to the Council of Trade and Plantations. If a long fit of sickness had not hindered me, I should not have stayed for your Lordship's summons but should have waited on you myself. I am very desirous to be gone to my Government; my private interest suffers very much by my stay here, and the money I so justly and have so long expected from the Treasury will not compensate the losses occasioned by these delays. My right to what I demand from the Treasury is incontestable, viz., four years' salary due to my father, and I cannot possibly leave England till I have received it. After that I am prepared to go on board at two days' warning. Your Lordships will be pleased to lay this paper by my Lord Jersey before the King. *Signed*, Christ'. Codrington. *Endorsed*, Recd. Read Feb. 29, $\frac{1699}{1700}$. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 57; *and* 46. *pp.* 35, 36.]

March 1. Whitehall. **175.** Council of Trade and Plantations to the Earl of Jersey, enclosing above letter to lay before the King. *Signed*, Lexington, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Leeward Islands, 46. *pp.* 36, 37.]

March 1. **176.** Col. Markham to the Council of Trade and Plantations. It is almost 20 years since I came hither with the King's Letters Patents to the Proprietor and his Commission to settle this Province, and ever since have been in office in the Government.

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When Col. Fletcher had the administration of it, he thought me capable of being Lieut. Governor. After His Majesty had restored the Government to the Proprietor, he made me Lieut. Governor, in which trust I was until his arrival in December last. Ever since the last Commission, evil eyes and malicious minds have been busy to overthrow the Proprietor's government, to accomplish which they have forged informations against me. My adversary complains that I passed a law in opposition to the Admiralty Court. When Col. Quary and I had some discourse about that Law, he told me that by that law the powers of his Commission, which was to try without juries, was taken away, whereby his Commission was made void. I replied that could not be, for the laws we made were done by the power of a Patent granted by King Charles II. to our Proprietor, and that they could not affect any other Courts than such as the Proprietor had power to erect. I also told him that if any laws in this Province were repugnant to the laws of England or contradictory to his Commission, they were void in themselves, and that if I knew any, I would immediately declare them void, and farther told him that if any other law than the Laws of England were pleaded in his Court, he ought to overrule it. He kept several Courts and I knew not that any law of this Province was ever urged in his Courts to oppose the Laws of England, or contradict the power of the Admiralty. The privilege of having a jury has been pleaded for in that Court, but their argument, I understood, was grounded on the Act for preventing frauds, etc. As to that part of the law that admits Quakers' attests in lieu of an oath, I took encouragement from His Majesty's gracious indulgence of the same sort of people in England, where comparatively they are so small a proportion of the whole, and here they are not less than two-thirds, and in estate at least four-fifths. Besides, all laws here are but probationary. Another complaint against me is that I countenanced a repleven of goods out of the Marshall of Admiralty's custody. Actually, I refused and when a warrant was signed by a J.P. and executed unknown to me, I sent my order to the Sheriff the same day to have them restored. Another complaint is that I refused to press a sloop and forty men at the Judge of Admiralty's demand for him to take the ship that brought in pirates from Madagascar. I gave him my assistance to take some pirates he heard were in town, and offered him my warrant which he slighted, saying his own power was sufficient. Before his commission was published here, and when he was in Maryland, I seized a sloop by my warrant that had been taken by pirates and laid her at my wharf that the right owner might have her again. When the judge returned, he told me he must have that sloop, and that I had not power to seize any vessel upon the water. He sent a warrant to fetch her away and disposed of her at his own pleasure. The Admiralty Commission being young here, I thought that if I seemed to clash with it, others might not yield the obedience that was due to it, therefore I submitted to all this and much more since, though his warrant was too peremptory for any cool Judge to write or any

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warm Governor to bear. As to the sloop, from his own showing, I had no power upon the water, and his own power was sufficient. Who was to give security for the sloop and be at all other charges? Col. Quary did not say he would, but he would command her and take a ship with her, that was without the Capes, *super altum mare*. The ship had 20 men besides the desperate fellows that were to be taken, and several great guns mounted: she belonged to New York and traded not in this Government: the two men that were taken in this town were put on board of a sloop at sea, that was bound hither, so the ship could not be seized for illegal trading. Another complaint is that I issued out no proclamation at that time: but a law like the Jamaica Act against Pirates was then newly passed and was publishing throughout the Government. What Proclamation could be of greater force?

As to my countenancing pirates. The first of those sort of people came in here when Col. Fletcher was governor, when it was not in my power to countenance or discountenance them. When the Government was restored to the Proprietor, I received orders from your Lordships with a proclamation concerning Every and his crew; the very minute I received it I put it in execution, and since then I know of none that came in here reputed or suspected to be pirates, but what were apprehended and put in prison by my warrant. My adversary charges me with encouraging illegal trading. There can be no illegal trading without illegal traders, and my adversary in not discovering them, it's plain he intended not the King's service, but maliciously to expose me. I have oftentimes taken the oaths appointed: the last was administered to me by Mr. Edward Randolph; I can safely take my oath that I have not been advised of any illegal traders, but what due course of law has been taken against them. As to Mr. Randolph, he came from New York and requested that he might have out of the office a Bond to put in suit, which was forfeited. I ordered he should have it, and expected every day he would arrest the security who lived in this town, but found he delayed it, and whenever I spoke to him of it he pretended the want of an Attorney-General. The morning he went hence to New York he left a paper at my house to acquaint me that he had left the bond with Col. Quary, with directions that when I was qualified for Governor, he should give me the bond again. I was in my bed, ill of the gout, and so requested a neighbour to go after Mr. Randolph, who was gone to take boat, and acquaint him that I desired to speak with him. Meantime, lest Mr. Randolph should not come, I sent for a constable to be near me upon occasion. Mr. Randolph came, and I demanded of him the bond. He said he would fetch it, and was going out of my chamber. I called to the constable not to let him go out. So he sent to Col. Quary to bring the bond. As soon as I had it, I told Mr. Randolph he might go about his business when he pleased. If they call this an imprisonment, it was not about half an hour. I had a great deal of reason not to trust Mr. Randolph with the bond, for I knew, before he came from New York, that he had

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been treated with there by some Scotchmen to get the bond cancelled, and he, knowing he could not have it at his command whilst it was in the office, by this wile got it out and lodged it in a private hand, that he might use it at his pleasure. Also, two or three years before, he took a bond out of the Naval Office at Newcastle in this river, under pretence of suing the security that lived in that town. In order thereto, he arrested him, and for 20 pieces of eight withdrew his action again. He carried the bond to New York and there sued the principal, Dr. Hart of New York, to a judgment. The security was Henry Vandenburgh of Newcastle. Besides, I have doubted Mr. Randolph's honesty ever since the first pirates landed at the Capes of Delaware Bay, when he wrote to a magistrate there to acquaint them, that if they would give him 200*l.* he would procure pardons for them. Had he been treated by me with all the severity it's said he was and much more, I could not have been even with him for his unsufferable abuses to me. But I considered his station, and bore with him rather than he should have to say I hindered his service to His Majesty. I wish it may never be the misfortune of any poor gentleman to serve so long and neither to receive one farthing from the Crown nor the people, nor yet so much as a good name for my services. *Signed*, Wm. Markham. *PS.*—If I had thought Col. Quary had been in earnest about the sloop, I would have done my best to have answered him in what he says he demanded, though I knew by experience the improbability of performing such an action with such force, having belonged to the Navy ever since Dunkirk was taken from the Spaniards, and was in the fleet that rode off there then, and afterwards was six years with Sir John Lawson, and was with him in the fleet that brought over Charles II., and in the Streights when we fought the town of Algier, and was in the Dutch wars '65, '66, and '72, '73, and I suppose Col. Quary never saw gun fired in anger. *Copy.* 5½ *pp. Endorsed*, Recd. Oct. 4, Read Oct. 10, 1700.

176 i. Duplicate of above. *Endorsed*, R. 31 July, 1700. [*Board of Trade.* Proprieties, 5. *Nos.* 19, 20; *and* 26. *pp.* 315–330.]

March 1. Boston. **177.** Mr. Addington to Mr. Popple, enclosing Minutes of Council [*of Massachusett's Bay*] Sep. 7–Dec. 14. *Signed*, Is. Addington. *Endorsed*, Recd. April 13, Read April 25, 1700. *Copy.* 1 *p. Enclosed*,

177. i. Memorandum of above mentioned Minutes. ½ *p.* [*Board of Trade.* New England, 10. *Nos.* 22, 22.i.; *and* 38. *p.* 9.]

March 1. **178.** Attorney General to the Council of Trade and Plantations. I find nothing in the Act to oblige Patentees to reside in the Island, passed in the General Assembly of Jamaica, June 27 last, contrary to law or prejudicial to His Majesty's royal prerogative. *Signed*, Tho. Trevor. *Endorsed*, Recd. April 10, Read April 23, 1700. ¾ *p.* [*Board of Trade.* Jamaica, 9. *No.* 14; *and* 57. *p.* 43.]

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March 1. Boston. **179**. Minutes of Council of Massachusetts Bay. The *Province* galley ordered to be employed on a trading voyage with the Eastern Indians, and for the suppressing of unlawful traders. His Excellency produced a letter from Major Benjamin Church of Bristol, Feb. 20, saying that the Indians there were quiet and declared their loyalty. Payments on account of Kidd, Bradish, and their associates ordered to be made out of their effects. The Commissioners appointed to receive Kidd's goods allowed to discharge themselves upon oath. [*Board of Trade.* New England, 49. *pp.* 273, 274.]

March 2. London. **180**. William Wallis to the Council of Trade and Plantations. Recites his contract to supply His Majesty's Naval Stores from New England: applies for licence to cut trees: suggests that Lord Bellomont be instructed to take care that a law be made for the preservation of trees fit for His Majesty's service, and that Mr. Brenton be directed to appoint a Deputy-Surveyor that lives upon the place and to establish a salary of 40*l.* per annum to be paid to him half yearly in New England. *Signed*, William Wallis. *Endorsed*, Recd. March 2, Read March 12, $\frac{1699}{1700}$. 3 *pp.* [*Board of Trade.* New England, 10. *No.* 23; *and* 37. *pp.* 403–412.]

March 2. Whitehall. **181**. William Popple to Edward Littleton, William Bridges, and Melisha Holder, Agents for Barbados, enclosing two copies of each of two packets from His Majesty and the Council of Trade and Plantations to be forwarded, by different ships, to Mr. Grey. [*Board of Trade.* Barbados, 45. *pp.* 27, 28.]

March 2. **182**. Minutes of Council of Barbados. William Sharpe, His Majesty's Commissioner and Collector, having complained that the Custom House at Spight's Town had been broken open by warrant from Samuel Sherman, J.P., ordered that the persons concerned do appear before the Board next Council day. [*Board of Trade.* Barbados, 65. *p.* 493.]

March 4. **183**. Minutes of Council of Massachusetts Bay. Commissioners for Kidd's goods discharged upon oath. His Excellency made oath that he had not intermeddled with the said goods.

A scandalous paper against the Governor and Council by Captain Gullock was read. He was sent for and committed to prison for that and his contemptuous behaviour.

March 5. Capt. Gullock craved pardon and was discharged. [*Board of Trade.* New England, 49. *pp.* 274–276.]

March 4. Whitehall. **184**. Journal of Council of Trade and Plantations. Order of Council, Feb. 29, read. Copies of letters from the Board to Mr. Day, July 18, Sept. 12, Sept. 20, 1699, ordered to be sent to the Council office.

Ordered that the Secretary write to the Jamaica Agents that they attend Mr. Attorney General for his report upon the Acts of that island.

1700.

His Majesty's letters, Feb. 10, to the Governors being received, the Secretary was ordered to send those for Rhoad Island and Connecticut under cover to the Earl of Bellomont, and the rest in the usual manner, by the first opportunity; but it was not thought fit to send forwards the remainder of the letters about treating with pirates, mentioned Nov. 23, 1699.

Letter from Mr. Secretary Vernon, Feb. 28, with petition of John Smith, read. Letters to Mr. Vernon and Sir Wm. Beeston ordered, and signed.

March 5. Draught of enquiries relating to the Newfoundland Trade and Fishery considered.

Order of Council, Feb. 22, with petition of merchants of New York read. Directions for preparation of a Representation ordered. [*Board of Trade.* Journal, 12. *pp.* 395–397; *and* 97. *Nos.* 43, 44.]

March 5. Admiralty Office. **185.** J. Burchett to Wm. Popple. *Refers to his letter of* Feb. 23. The ships are in readiness to sail to Newfoundland, and my Lords have signed the instructions to Capt. Fairborne for proceeding on his voyage. *Signed*, J. Burchett. *Endorsed*, Reed. Read March 6, $\frac{1699}{1700}$. ½ *p.* [*Board of Trade.* Newfoundland, 4. *No.* 8; *and* 25. *p.* 354.]

March 5. Whitehall. **186.** Council of Trade and Plantations to Governor Sir William Beeston. We enclose copy of Mr. John Smith's petition, complaining of your having sold his ship *Pearl*. We desire you to give us a perfect account of the true circumstances. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Jamaica, 57. *pp.* 19, 20.]

March 5. **187.** Council of Trade and Plantations to Mr. Secretary Vernon. In answer to your letter of Feb. 28, we desire you would please to inform his Majesty that we have no manner of advice from Sir Wm. Beeston about the sale of the *Pearl*, and have therefore now immediately wrote to him about it. *Signed as preceding.* [*Board of Trade.* Jamaica, 57. *pp.* 20, 21.]

March 6. Philadelphia. **188.** Col. Quary to Mr. Secretary Vernon. I received yours of Nov. 30, ordering me to deliver unto the Earl of Bellomont all the effects that I have in my hands belonging to the pirates which I seized, and a letter from His Excellency acquainting me that he had ordered his Lieutenant Governor of New York to receive all such, which shall be sent to him. I resolve to give an account on oath of all that came to my hands, but expect that all my charges and disbursements shall be allowed, and that I shall have satisfaction for my pains and hazard. When the Lieutenant Governor refused to aid me, I could only raise brisk men that would venture their lives by paying them extraordinary. When I undertook the design I had a proposal of seizing all the pirates and their estates to the value of more than 30,000*l.*, besides Capt. Shelley's ships that brought them from Madagascar, and

1700.

I had certainly effected it, had not the inhabitants of this Government betrayed me and sent intelligence to them, and then the purchase would have defrayed the charge very well, besides the great service it would have been to His Majesty. We spent a month's time in cruising the Bay and travelling these Provinces in pursuit of them, so that those pirates that were landed on Cape May had time to hide their money and send off their goods to other Governments. Several of the pirates were also carried off by the inhabitants. I want instructions how to proceed against those persons that aided and sheltered them. Notwithstanding all the treachery and difficulty I met with, yet I made shift to apprehend eight of the pirates and committed them to gaol, but those of them that had hid their money on Cape May had leisure given them by the Government of West Jersey to go and bring it up which accordingly they did, and have secured it in several men's hands of that Government, which may be discovered if the proper methods be taken and your Honours will send a power. I only wait till Governor Penn hath provided a convey to carry what effects he hath in his hands, by which I will send what I have in my custody to the Lieutenant Governor of New York. I am very much threatened to pay this money again in case the pirates from whom it was taken be acquitted. However, I will comply with your orders, wholly relying on your justice. *Signed*, Robt. Quary. *Endorsed*, R. 13 June, 1700. 2 *pp.*

188. i. Abstract of above. $1\frac{1}{4}$ *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 21, 21.i.]

March 6. Philadelphia. **189.** Col. Quary to the Council of Trade and Plantations. I received a letter from the Secretary dated Aug. 22. Governor Penn is now arrived here: his coming hath made a very great change. He is so far from countenancing what hath been done that he hath publicly shewn his resentment and abhorrence of it all. He hath given ample assurance to all the King's Officers of his favour and encouragement to them in all matters relating to the King's service, and to make restitution for all injuries. A demonstration of all his real intentions herein appears by these several weighty steps which he hath already taken, having laid aside the Lieutenant Governor Markham, and Mr. Anthony Morris, and designs to take order for returning the goods, or their value, seized out of the King's store by that Justice's warrant. He hath ordered the prize goods that were in Governor's hands to be delivered; turned out the Sheriff of this county for the escape of one of the pirates, and designs to prosecute him; the other pirates are kept in close confinement ever since his arrival; and he hath taken up all the old pirates that hath been here some years before Every's crew, and hath forced them to give security to answer whatever shall be laid to their charge in a year's time. What remains still to be done he promises shall be effectually performed in a little time. He did lately call an Assembly on purpose to pass two Acts enclosed, the one concerning pirates, the other for the better regulation of trade; your Lordships will find them very different from their former Acts, and with

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due execution will be of use to the ends designed. I must do Governor Penn the justice to say he is very zealous in promoting all things that doth anyways concern the King's interest. I most heartily wish that I may not be forced any more to send home repeated complaints, which I am sure was never easy to me. The seizing of the eight pirates was a great charge to me, besides the hazard of my life, which I hope your Honours will please to consider, and be a means that I may be reimburst out of the money in my hands. Had there been a small vessel of force or that this Government would have given me any assistance, I could have apprehended with ease all the pirates and their estates. I enclose a copy of Capt. Shelley's letter from Cape May (No. 190. i.). Your Lordships may see that the Capes of this Government is the only place they first make and that there is care taken to have sloops ready here to meet them. You will have an account of the master of the sloop *Graverard* in the enclosed memorial; it's a copy of what I have now sent to the Commissioners of H.M. Customs. *Signed*, Robt. Quary. *Endorsed*, Recd. 13th June, Read 19 *ditto*, 1700. 3 *pp. Enclosed*,

189. i. Copy of following memorial. [*Board of Trade.* Proprieties, 5. *Nos.* 26, 26.i.; *and* 26. *pp.* 223-234.]

March 6. Philadelphia. **190.** Robert Quary to the Commissioners of Customs. A true account of several grand abuses in trade and the proper remedy. The Madagascar trade is the only voyage now thought of in these parts. The merchants of New York have gotten estates by that and the Curesaw trade. There are three ships expected every day from Madagascar belonging to New York: they are ordered to make the Capes of this Government, where there are sloops now waiting to unload them and run all the goods. There are several more ships fitting out from New York and other places to the northward. They carry a suitable cargo to the Madaras and there they take a loading of wine and brandy, and from thence directly to Madagascar where they meet the pirates and purchase their plunder on very easy terms, as your Honours may see by Capt. Shelley's letter. Thence they come back hither where they have all the security in the world to land their goods before the man-of-war at New York can hear of their being come. If there were a small vessel of force in this bay, I would put a stop to this illegal trade or forfeit myself, provided the Commander be not (as they generally are that commands the King's vessels,) above taking advice and directions. I have spent much thought and time to find out the reason of the great quantities of tobacco, which for three or fours years past hath been carried to Barbados from this place, Virginia, Maryland and New York. The consumption in Barbados is not so much as formerly and the quantity shipped thither is almost ten times more. At last I found out the intrigue and mystery of it. When the tobacco is landed there they repack it into boxes, casks, etc., and send it for England and Ireland. The conveniency of its package makes it very easy to run, especially since the officers do not expect tobacco on board Barbados ships, and the saving of the

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duty makes it a far better trade than any commodity they can carry from Barbados. There is a great deal also sent from that island, as shipping offers, to the Dutch settlements. A great part of this evil may be prevented by the active diligence of the officers there and elsewhere.

This Province grows very populous, and the people are generally very laborious. They have improved tillage to that degree that they have made bread and flour and beer a drug in all the markets in the West Indies, so that they resolve to go on with the planting of tobacco in the three upper counties, where it never was planted. The land is very proper for it, and will produce very bright tobacco; the number of the people and their industry will produce vast quantities. They find the necessity of going upon this commodity, for they have no other way of making returns home for England, the want of which makes this place at present very miserable. I am sure there is more than six times the value of goods imported than is exported, which is the reason that the money is carried away. It will be as much for the King's interest to secure the trade of this Bay, as that of Maryland, and in a little time they will vie with that Government.

There is four times the quantity of tobacco made in this country this last year than ever was made in any one year before; all which is engrossed by the Scotch (as almost all other trade here is): they give such extravagant rates that I am sure no person that designs to trade fairly can give, not less than double the price that is given in Maryland, though the tobacco of this place is not near so good. They carry on a constant trade from Curesaw hither. About a month ago came in a vessel from thence belonging to several Scotch merchants which brought in abundance of lyning and other dry goods of the manufactory of Holland, and run them all ashore at a place a little below Newcastle, called Bumbo Hook. I had an account of the particular package of all the goods; the business is now publicly known. I do not mention this by way of complaint against the Government or the officers, for there is so many conveniences for the running of goods that it's impossible to prevent it, let the Government make what laws they can, and the officers be never so diligent in the execution of them. There is no way to secure the trade of this Bay but by a small vessel of four guns and 15 or 20 brisk men, which would effectually answer all ends and would prevent the carrying off of the tobacco from the lower counties after they have cleared their ships with the Collectors.

There hath been a most pernicious trade carried on between this Bay and New York by several vessels for above twelve years, especially by one Graverard, a Dutchman, of New York. He doth constantly carry goods betwixt this place and New York and generally enter some small quantity of tobacco; when he hath his dispatches, he then takes in his loading, which lies ready for him at some convenient place in the Bay. When he comes near Sandy Hook he puts ashore all the tobacco except what he hath a cocquet for, at a small Dutch village, and then goes up the city and unloads, if it happens that any vessels are ready to

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sail for Suranam, Curesaw or Newfoundland; then they touch and take in the tobacco which lies ready for them in their way. If no vessel be ready, then the wood-boats take in their tobacco under their wood and carry it up to York: the boats lie at a convenient place, and in the night it's landed and repacked for the next opportunity of shipping it off. I had like lately to have taken this man in the Bay; he had got six of the pirates on board his sloop, with their estates, to carry them to the Capes of Virginia: he made a shift to get clear of me: however, I sent away an express on horseback to the Governors of Virginia and Maryland. He got to Gov. Blakiston time enough to seize him with his sloop and one of the pirates; the rest he had set on board several ships then ready to sail for England. The sloop and loading with all his ill-gotten goods from the pirates was condemned, which hath squeezed the rogue pretty well, but he is upon the old trade again. Were there a vessel here fit for the purpose, I would quickly spoil his trade.

There hath been abundance of East India goods brought into all the Governments of this Main, more especially to the northward of this place, by pirates and other illegal traders for above three years past. The business of all persons concerned in those goods is to convey them from the port where they were landed to some other place, which is usually done by packing them up so as that they may pass for other goods. There hath been great quantities brought from the northward to this place, and may be landed at our public wharf, without the least no(*tice*) taken of't. I am well assured there hath not been one cask or bale perst or searched these two years, the doing of which would be of great service not only to prevent all illegal trade of importation, but would also prevent the shipping off of abundance of cut and leaf tobacco pressed into flour and bread casks, which hath been much practiced here. If your Honours think this will be too hard on the officers, I am sure you will allow them a man to do the work. Your Honours were very much misinformed by Mr. Randolph in placing a Collector at Burlington in West Jersey. It's a place that lies 20 miles above Philadelphia, where never any vessel loads or unloads, but there are several other places in that Government where that officer may do the King good service, as at Cape May. Had he been there this summer he might have seized 20,000*l.* worth of East India goods which was landed there by the pirates and thence disperst. There is also a place called Cohanzy and another called Salem, where many vessels trade from Boston and other Governments.

There is a great abuse in that part of the King's revenue, the penny per pound on tobacco shipped to the Plantations. They have gotten a way now to prize into a hogshead a thousand-weight, which they enter for 4 cwt. only, and they order barrells to be made in which they will press betwixt 6 and 7 cwt. and enter them but for 2 cwt., and, which is worse, they frequently crop the chimes of a hogshead and enter them for barrels and pay the King but for 2 cwt., when really there is 8 or 9 in the cask. This great abuse proceeds from the Collectors vieing with one

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another who shall receive most of the money for the duty of the tobacco, and the merchants accordingly tell one that unless he will give them such an encouragement they will enter with the other, who will accept of the terms. The Collectors now give them certificates for so many hhds. and barrels of tobacco entered without mentioning any weight, because the officers in Barbados, finding such unreasonable great casks entered here for at most 4 cwt., forced the merchants to a post entry. I took the opportunity of this juncture of time, that Governor Penn is very zealous to do all things for promoting the King's interest in his Government, and proposed to him several useful clauses in the new Act; amongst the rest there is one that all tobacco shipped off to the Plantations shall be weighed and entered according to the weight, but this will be to no purpose unless it be put in execution, as I very well know it will not.

The King is also very much abused in the payment of this duty, for formerly the pieces of eight did pass in this province for 6*s.*, and then the merchant allowed the King 25 *per cent.* over and above the current money of the country to make it sterling money: but about two years ago they raised them to 7*s.* 8*d.*, which makes it more than 55 *per cent.* worse than sterling, and yet the Collectors have but 25 *per cent.* allowed, so that the King must lose on all the money received here 30 *per cent.* *Signed*, Robt. Quary. *Endorsed*, Recd. June 13, Read June 19, 1700. 3½ *large pp.* *Enclosed*,

190. i. Giles Shelley to Mr. Stephen Delancey, or, in his absence, to, Mr. John Barbarie, merchant in New York. Cape May (*sic*) 27, 1699. Gives account of voyage and trade at Madagascar. "I took on board 75 passengers: most of them design for Virginia and the Hore Kills with Andrew Graverard, who is here. I have for their passages about 120,000 pieces of eight and about 3,000 Lyon dollars. I hear there is no man-of-war at New York. I design to come to Sandy Hook, where I shall expect your care for securing the goods, etc." *Signed*, Giles Shelley. 1 *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 44.A., 44.A.i.; *and* (*without enclosure*), 35. *pp.* 284–296.]

March 6. **191**. Memorandum of above. ½ *p.* [*Board of Trade.* Proprieties, 5. *No.* 22.]

[March 6.] **192**. Copy of Order of House of Commons that the Commissioners for Trade and Plantations do lay before this House an account of what advances they have made towards the improvement of the trade of England. *Signed*, Paul Jodrell. (Date given incorrectly as *Feb.* 6, 1699.) [*Board of Trade.* Trade Papers, 15. *p.* 13.]

March 6. Whitehall. **193**. Council of Trade and Plantations to the Earl of Jersey. Capt. Fairborne, Commander of H.M.S. *Tilbury*, who is appointed by the Lords of the Admiralty to be Commodore this year at

1700.

Newfoundland, being now ready to sail, we desire your Lordship to proeure H.M. Royal Signature to the enclosed draught of a Commission for him to command in chief the soldiers in pay, as has been done the former years. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Abr. Hill, George Stepney. *Annexed*,

193. i. Copy of Capt. Fairborn's Commission, as above. [*Board of Trade.* Newfoundland, 25. *pp.* 355, 356.]

March 6. Philadelphia. **194.** John Moore to the Council of Trade and Plantations. Governor Nicholson appointed me King's Advocate in the Admiralty Courts of this and West Jersey Provinces, 1698, and said he would recommend me to you for Attorney General of those Governments, and gave me the expectation of a salary suitable to the posts. The place as well as the salary are still under your consideration. Now, by the encouragement of Col. Quary, I address your Lordships. *Signed*, Moore. *Endorsed*, Reed. June. Read July 25, 1700. 1 *p.* [*Board of Trade.* Proprieties, 5. *No.* 23.]

March 6. Whitehall. **195.** William Popple to the Agents for Jamaica, enclosing letters to be forwarded to Sir Wm. Beeston from the Council of Trade and Plantations, by two conveyances. Their Lordships have again commanded me to desire you to attend Mr. Attorney General and take care with him that he dispatcheth his reports upon the Acts of the General Assembly of Jamaica that are in his hands. [*Board of Trade.* Jamaica, 57. *p.* 22.]

March 6. Whitehall. **196.** Journal of Council of Trade and Plantations. Letter from Mr. Burchett, March 5, read. Letter to the Earl of Jersey, enclosing draft of a Commission for Capt. Fairborne to command in chief the soldiers in pay at Newfoundland for His Majesty's signature, signed. Heads of enquiries about Newfoundland trade agreed upon and sent to the Admiralty for the Commodore.

March 7. Order of the House of Commons that the Commissioners lay before the House an account of what advances they have made towards the improvement of the Trade of England, read. Directions given for the preparation of an answer.

Representation upon the petition of the Marquis de la Muce, Feb. 23, signed and sent to the Council.

March 8. Directions given for preparing an answer to the order of the House of Commons [*Board of Trade.* Journal, 12. *pp.* 397–400; *and* 97. *Nos.* 45–47.]

March 7. Chief Office, Penny Post. **197.** Wm. Dockwra to [? William Popple]. As to West Jersey, I am not a Proprietor nor have any Commission to concern myself in any matter relating to that Province. I have sent the bearer to Sir Tho. Lane, and as to those (? *H.M. letters about pirates*) for East Jersey due care shall be taken. As to the petition concerning the *Hester*, Col. Bass and his Counsel are upon treating on terms with Counsel on Lord Bellamont's part, to try it in Westminster Hall upon a stated action of Trover and Conversion. I am constrained by an order from the Chairman to

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attend as a witness at the Committee and to bring the papers of petitions, etc., that has passed in our long and tiresome applications concerning the quiet and free use of our Port of Perth-Amboy. I have always had an esteem for the Earl of Bellamont, and am sorry to hear of the clamours against his administration, to which I am quite a stranger and heartily wish him freed of his accusers. What I shall appear in will be as a Proprietor of East Jersey upon a point of right. *Signed*, Wm. Dockwra. *Endorsed*, Recd. March 8, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade*. Proprieties, 5. *No.* 24.]

March 7. Whitehall. **198.** William Popple to J. Burchett. I enclose Heads of Enquiries for the Commodore of the Convoy, relating to the Trade and Fishery of Newfoundland, which by reason of the late Act of Parliament and upon other further considerations are in some things different to former enquiries. The Lords Commissioners for Trade have sent for H.M. signature a draught of a Commission for the Commodore to command in chief. *Annexed*,

198. i. Heads of Enquiry relating to the Trade and Fishery of Newfoundland to be given as Instructions to Capt. Fairborn. You are to carry with you copies of the Act to encourage the Trade to Newfoundland, for your own use and for distribution amongst the principal inhabitants, and to enquire whether the orders contained in it are duly observed, and more particularly (1) What is the number of English Planters, their manner of living and trade, and their employment in the winter? (2) Do they rinde the trees or waste the woods beyond what is necessary? (3) Have those, who since 1685 had engrossed stages, cook-rooms and beaches to the prejudice of the fishing ships, relinquished them for the public use of fishing ships arriving there, according to the said Act? (4) Do the inhabitants or by-boatkeepers possess themselves of any such stages or cookrooms, etc., which have belonged to any fishing-ships since 1685, before the yearly arrival of the ships? (5) Do the by-boatkeepers and fishing ships carry over with them such numbers of freshmen or green men, and the inhabitants employ them as the Act directs? (6) Do any persons presume to deface or alter the marks of any boats or trainfats and convert them to their own use or remove them from where their owners have left them? (7) Are the rules of the Act for preventing any hindrance in the haling of sayns in the customary baiting places and against stealing bait, duly observed? (8) Do any persons destroy or damage the stages or cook-rooms and do they repair them by timber fetched out of the woods, not taken from stages already built? (9) Do the Admirals of harbours and other Commanders of fishing

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ships observe the rules against engrossing more Beech and Flakes than each of them have necessary use for, and against possessing several places at once to the prejudice of others, and relating to the election of such places as any of them, whose right it is, shall choose to abide in? (10) Are the Admirals careful to see that the rules of the Act concerning the Fishery are put in execution, and do they keep journals of the number of ships, boats, stages and trainfats and of all the seamen employed in each respective harbour? (11) And do they determine any differences that arise, and are appeals made to you from their sentences as the Act directs? (12) Is due care taken by the Masters of ships and the Admirals in each harbour that no sort of ballast hurtful to the harbours be thrown out of any ship? (13) Is the Lord's Day strictly and decently observed, and do the keepers of public houses forbear on that day or sell or utter any strong liquor or tobacco? (14) Do any aliens or strangers not residing in the kingdom of England, Dominion of Wales or town of Berwick-upon-Tweed, resort thither to take bait or use any sort of trade or fishing whatsoever in Newfoundland or any of the islands or places adjacent thereunto?

You are further to enquire (1) Whether due care is taken in curing the fish with good salt and in rightly preparing it? (2) Is care taken to lay the offal so near the water that it may be washed away by the tide. (3) What sustenance do the Planters receive from land? Do they carry on any fur trade? (4) Whence do the inhabitants obtain their provisions? (5) What is the trade between New England and Newfoundland. Are the fishers debauched by the liquor imported from New England, and run in debt thereby so that they are forced to hire themselves to the Planters? (6) What European commodities are brought thither from any place besides England and Ireland? In what ships? (7) How are such commodities disposed of? To the fishermen only, or to ships for the Plantations to supply them with commodities they ought to have directly from England? (8) What Plantation commodities are brought thither and in what quantities? Are any such sold to ships bound for Spain, Portugal and other foreign parts, so as to make an indirect trade to those parts in commodities which ought not to be carried thither without having been first landed in England? (9) Do the New Englanders who exercise the fishing trade upon their own coast exercise it also on the Newfoundland coast, and how do they succeed in both? *And repeat enquiries Nos.* 9–13 *and* 15–25 *abstracted Cal. A. & W. I.*, 1698. *No.* 498. [*Board of Trade*, Newfoundland, 25. *pp.* 357–370.]

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March 7. Whitehall. **199.** Council of Trade and Plantations to the King. We humbly represent that Norfolk County in Virginia being a place more secure than other remote parts formerly proposed for the Protestant Refugees, your Majesty may be pleased to send orders to the Governor of Virginia, under whose Government that County lies, to give them all possible encouragement upon their arrival there, in settling their families and promoting their endeavours in planting, and by granting them such tracts of land as usual to new-comers. The petitioners refer themselves to your Majesty for such further gratification and charitable assistance as to your Majesty in your great wisdom and bounty shall seem meet, it being further requisite that before their departure they be made denizens of England for their greater encouragement in the enjoyment of the privileges accruing thereby. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, George Stepney. [*Board of Trade.* Virginia, 37. *p.* 391.]

March 7. Kensington. **200.** Order of King in Council approving above representation and directing the Council of Trade and Plantations to prepare a letter to the Governor of Virginia accordingly. *Signed* John Povey. *Endorsed*, Recd. March 11, Read March 12, $\frac{1699}{1700}$. ½ *p.* [*Board of Trade.* Virginia, 8. *No.* 5; *and* 37. *p.* 392.]

March 7. Kensington. **201.** Order of King in Council that allowances be made to such Vaudois and other of the Protestant Refugees as have not had a share beyond sea of the benevolence collected upon the late Brieff upon their behalf, and are either already come over into England or shall come speedily over in order for their going to the abovesaid settlement, for their transportation and for the building a church, and for a competent number of Bibles, Common Prayer Books and other books of devotion, as also for the necessary accommodation for lodging of two Ministers, who are to accompany them as the Lords Commissioners for the Brieff granted by His Majesty for the Vaudois, French, and other Protestant Refugees in this kingdom shall think fit; the said allowances being not to be made to the Petitioners till they are actually shipped in order to their transportation to Virginia. Letters of denization shall be granted to the Petitioners or such of them as shall be certified to this Board according to the usual form before their going out of this kingdom. *Signed*, John Povey. *Endorsed*, Recd. March 18, Read March 26, 1700. 1¼ *pp.* [*Board of Trade.* Virginia, 8. *No.* 6; *and* 37. *pp.* 394, 395.]

March 7. East India House. **202.** Robert Blackborne to the Council of Trade and Plantations, acknowledging letter of Feb. 10, to the Governor of the Old East India Company. The Court of Committees will do all they are able in getting evidence against Gillam. *Signed*, Ro. Blackborne. *Endorsed*, Recd. Read March 12, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* New England, 10. *No.* 24; *and* 37. *p.* 402.]

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March 7. Kensington. **203.** Order of King in Council. Referring enclosed petition of Nicholas Dupin, etc., to the Council of Trade and Plantations. *Signed*, John Povey. *Endorsed*, Reed. March 11, Read March 12, 1699. *Enclosed*,

203. i. Petition of Nicholas Dupin, John Britton, Tho. Puckle, Richard Goddard, merchants, and Joseph Blake, gent., on behalf of themselves and others, to the King. Petitioners, having been encouraged some years past to endeavour the settlement of Tobago, did contract with the Baron de Blomberg, late Envoy from Courland. H. H. Ferdinando, Duke of Courland, having been pleased to send the Hon. John Christopher Prætorius as his envoy to confirm what had been agreed with the said Baron or to alter such articles as might be to mutual advantage, and both the Envoys having produced King Charles II.'s royal concessions, petitioners are encouraged to pray your Majesty to favor their enterprise. *Copy.* 1 *p.* [*Board of Trade.* Barbados, 8. *Nos.* 36, 36.i. ; *and* 45. *pp.* 28–30.]

March 7. **204.** Minutes of Assembly of Barbados. Act for guarding the Magazine, read. Supplemental Bill on the Act for raising a levy read. Petition of William Terrill and Rebecca, his wife, setting forth that they were but lately possessed of Fontabell Plantation and could not procure a survey thereof so as to give it to the Churchwardens, read, and an Address to His Excellency and Council drawn, recommending that they be excused the penalties. [*Board of Trade.* Barbados, 65. *pp.* 467, 468.]

March 7. **205.** Minutes of Council of Barbados. Bill to prohibit the exportation of Spanish money, read twice. Conference with the Assembly desired on the subject.

A certificate that a negro named Mallegasco George belonging to John Bromley, Esq., of St. Phillip's Parish, was executed for felony by virtue of a sentence past against him at a Court held Feb. 9, 1698, by John Johnson, Samuel Pasfield, Daniel Carter, Isaac Gittens, and Nicholas Polgreen, was read. 20*l.* paid to Mr. Bromley in compensation, he having made satisfaction to Geo. Farewell, on whom the felony had been committed.

Proposals of Magnus Popel for building a bridge and harbour between the town of St. Michael's and the Bay was read. A joint Committee of the two Houses appointed to treat with Popel and bring in a Bill.

Bill to prohibit exportation of Spanish money committed.

March 8. It being represented by Mr. William Sharpe that Custom House Officers had been taxed as such in the Levy Bill, recommended to the Assembly to find a way to relieve them. A Supplemental Act to the Levy Bill was accordingly read three times and passed.

A Bill to secure the Magazine was read a first time.

An address from the Assembly praying His Excellency's acceptance of ten servants read and agreed to.

Two months allowed William Terrill for survey of land [*see preceding abstract*]. [*Board of Trade.* Barbados, 65. *pp.* 494–496.]

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March 8. Boston. **206.** Governor the Earl of Bellomont to Mr. Popple. Capt. Foster, who brought me a letter from your Board of June 26 last, arrived here but yesterday was sevennight, having been forced to bear away to Barbadoes. The duplicate I received some months since. I long impatiently for orders from your Board, that might give me aim how to conduct myself in the management of things. New York is the place where I ought to be very soon, but it is not certainly proper for me to remove from hence till I hear from my Lords of the Council of Trade. The L.G. of New York has left a space in the muster-roll of my Company for my two servants' names, but in casting my eye on the roll I observed two of my servants' names there, for which reason I have not filled up that void space. Col. Allen, late Governor of New Hampshire, is now here; he came to complain of an injustice done him in the Superior Court of that Province last month. I believe he intends by this conveyance to complain to the Government at home; if any application be made to your Board in his behalf, I desire you will please acquaint their Lordships I intend to inform them by the first opportunity how that matter was managed, and whether Col. Allen have just cause to impeach the proceeding of that Court: perhaps, too, I may then offer something about New Hampshire, that will deserve their consideration. I have heard thrice from Mr. Penn since his arrival at Philadelphia, and I resolve not to be behindhand with him in correspondence; he seems much overjoyed at his Lady's delivery of a son. *Signed*, Bellomont. I beg leave to recommend Lieut. Hunt to your favour; he is a very honest man and is to solicit some business at your Board. *Endorsed*, Reed. April 13, Read April 25, 1700. *Copy.* 2 *pp.* [*Board of Trade.* New England, 10. *No.* 25; *and* 38. *pp.* 7, 8.]

March 9. Skinner's Hall. **207.** Wm. Thornburgh to Wm. Popple. The same day you inclosed me His Majesty's letters to the Lords Proprietors of Carolina and the Bahama Islands, the latter received letters from Providence, dated Dec. and Jan. last, giving them account of the trial and execution of four notorious pirates. *Signed*, Wm. Thornburgh. *Endorsed*, Reed. March 11, Read March 12, $\frac{1699}{1700}$. $\frac{3}{4}$ *p.* [*Board of Trade.* Proprieties, 5. *No.* 25.]

March 10. Philadelphia. **208.** Col. Quary to the Council of Trade and Plantations. Repeats part of substance of [March 6. *No.* 189. *Letter* to Board]. *Signed*, Robt. Quary. 2 *pp.* [*Board of Trade.* Proprieties, 5. *No.* 27.]

March 10. **209.** Col. Quary to Mr. Secretary Vernon. *Duplicate* of No. 188. (March 6. Letter to Vernon). *Signed*, Robt. Quary. [*Board of Trade.* Proprieties, 5. *No.* 28.]

March 11. **210.** Heads of complaints against the Earl of Bellomont in his Government of New York, intended to be offered to the Committee of the House of Commons by the merchants, etc. (1) Upon his first arrival he gave encouragement to the Leislerian

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party, thus reviving the animosities which several Acts of Assembly and a prudent Magistracy had almost extinguished. (2) Soon after his entry upon the Government, he called a General Assembly, whom he frequently sent for and treated with great scurrility. The Representatives prepared a law for healing these divisions, and when two of them came to tender this law to the Council for their concurrence and to the Governor for his assent, they were not admitted to deliver it, but the whole House was immediately sent for and dissolved by the Earl of Bellomont with opprobrious language, and a general charge of disloyalty. (3) Then, in order to procure Sheriffs and consequently an Assembly to his own humour, he garbled the Council, and upon frivolous pretences suspended ten of the most considerable for estates, parts and experience;—Cols. Bayard, Willet, Heathcote, Young and Townley, and Messrs. Pinhorn, Nicolls, Lawrence and Brooke, and placed six of the Leislerian faction in their room, viz.:— Abr. De Peyster, a merchant; Samuel Staats, a Dutch barber-surgeon; Johannes Carboyl, a Dutch mountebank; Robert Levingston, a Scotchman, the contriver of Kidd's piratical voyage; James Graham, a Scotchman, Attorney General; a Robert Walters, a son-in-law of Leisler; three of whom, Staats, Carboyl and Walters, in all public assessments were rated at no more than 150*l*., 25*l*. and 70*l*. estate. (4) He and this Council then appointed new Sheriffs and Justices of the Peace, mostly of the Dutch, and out of the meanest and mercenary people, having more regard to the faction they espoused than any other qualification. (5) He next permitted, if not directed, the taking up at midnight with sound of trumpet and drums the bones of Leisler and Milbourn, who had lain buried near nine years, and to lie in state some weeks, and afterwards to be publicly buried in the Dutch Church against the consent of the officers thereof, attended by 100 men in arms and a mob of 1,500 men, chiefly Dutch, the scum of that and the neighbouring Provinces, which struck such a terror into the merchants and other the principle inhabitants of New York, that most of them were forced to absent themselves for a time for their security. His Lordship, 'tis said, honoured this funeral by being a spectator out of a window. Tho' the ministers of the English, French and Dutch Churches addressed him to prevent the bodies being thus publicly buried, he would not vouchsafe them any satisfactory answer. (6) Soon after, he issued out writs for the election of a new Assembly upon the same day in all places except the two most remote counties, whereby the best freeholders were deprived of giving their votes at several elections. The Sheriffs performed the business they were appointed for by admitting some for freeholders who were not so, and rejecting others who were really so, as they voted for or against their party, and by appointing Inspectors of the poll who upon any complaint of unfair dealing gave this general answer, "If you are aggrieved, complain to my Lord Bellomont," and the same practice in all places gives just reason to believe the orders came from him. (7) To secure a majority of Assembly men such as he desired,

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without any instruction from England he added two to the former number, one for the City and County of Albany, and one for the County of Orange, which last is by Act of Assembly made part of the County of New York. and has not twenty inhabitants freeholders, and never before had a distinct Representative. By this means Abra. Governeur, a Dutchman, so indigent as never to be assessed in the public taxes, and who, as is reasonably to be supposed, had a deed of some land made to him of purpose to qualify him for it, because he never had any land before, was chosen an Assembly man, and is since made Speaker. This fellow was formerly convicted of murther and pardoned, and soon after the Revolution publicly declared that Jacob Leisler had carried the Government of New York by the sword and had the same right to it as King William to the Crown, having conquered the kingdom of England. Of the 21 Representatives, there were but seven Englishmen, the rest all Dutch of the meanest sort, half of whom do not understand English, which can conduce little to the honour of an English Government and less to the security of the English interest there. (8) This Assembly expressed their gratitude to his Lordship by passing an Act for raising 1,500*l.* to be given to him and 500*l.* to his Lieutenant Governor, and another Act for paying debts chiefly contracted by his Lordship in unnecessary buildings, etc. (9) For the more effectual dispatching these Bills, Mr. Graham, Attorney General and late Speaker, who had before been made by orders from England one of the Council and ought to have been of that body, in the Assembly was continued Speaker of the House of Representatives, till they were passed, and then was called up to his higher post. (10) The charge of this largess falls principally on the merchants and substantial freeholders, who had no share in consenting to it. Three hundred and sixty-eight of the electors who returned the four Dutch members for the City and County of New York pay less to the public taxes than 29 of the electors who voted against them. The whole body of that faction pay scarce $\frac{1}{5}$th part of the public assessments and scarce $\frac{1}{50}$th of the revenue from Customs. (11) This Assembly, upon his Lordship's recommendation, vacated several particular grants of land under pretence of their being extravagant, and suspended Mr. Dellius from his ministerial function upon a malicious suggestion that he had deluded some Indians to make him a grant of lands, though they have recanted this, by which vacancy Mr. Dellius, who was the most useful man in that country for converting the Indians and keeping them firm to the English interest, hath been forced to leave the Province, to the great dissatisfaction of the Indians and hazard of their desertion to the French. But several other grants as large or larger were left untouched because in the hands of the Leislerians. (12) This Act was looked upon even by some of the Council and of his Lordship's party so very hard that the Council were equally divided over it, and it ought to have been dropped, but he acted in two capacities :—first gave his vote as one of the Council, in which capacity he has no vote in Assembly, and then confirmed it by his assent as

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Governor. (13) This Act verts all their lands in the Crown, and does not vert any of them in the Indians from whom it was pretended some of them were surreptitiously got, by which means his Lordship will have them in his power to dispose of. (14) This Assembly just before their rising made a remonstrance to his Lordship aspersing the two preceding Governors and arraigning their administration with great malice, falsehood and scurrility, which he ordered to be printed. (15) His Lordship has not been less active out of Assembly than in it, and given sufficient testimony what spirit animated that body. He has tendered extra-judicial oaths to several of His Majesty's subjects, requiring them to make answer to such questions he should ask them, and upon their refusal to swear has threatened to commit them into custody. (16) He committed to prison without bail two merchants of New York who had farmed the excise of Nassau Island, because they refused to discover upon oath what profits they had made, and afterwards procured an Act of Assembly to justify him and continue them in gaol. (17) He suspended the payment of 26*l.* per annum to the English minister and 30*l.* per annum apiece to two French Protestant ministers, which His Majesty had appointed to be paid out of the Revenue, for no other apparent reason than that they set their hands to an attestation of Mr. Dellius' good behaviour. (18) By a warrant out of his hand he turned Miles Forster, a merchant, out of a house, which he had purchased part of and was possessed of nine years, and had laid out great sums in the improvements of, under pretence of restoring it to Leisler's heir, tho' Leisler's heir had pretence only to one-third part, refusing to let the title be tried by law. (19) A dispute arising about the property of a whale found on the beach, whether she belonged to the Governor or private persons, whose marks that killed the whale were found in her, his Lordship refused to try the property, but imprisoned one Floyd, who was employed to cut her up, without bail till his Lordship had seized the whale and converted her to his own use. (20) By an Order of Council he turned another person out of his estate after four years' quiet possession, who had recovered it by a judgment at Common Law, which was confirmed upon an appeal to a former Governor and Council, after which no appeal lies but to the King in England, and for the better colour of this extraordinary proceeding this order was instituted . . . . . , a name unknown in that Province, as if it had been an appeal to that part of the Assembly who have no power to hear appeals nor ever pretended to it. (21) He turned out one of the Judges for no other apparent reason than for refusing to commit an Alderman by order of himself and Council for declaring his opinion in common Council that a certain place proposed to erect a new City Hall upon was too near the great guns. (22) The L.G. and Justices caused four Justices to be sent for from Albany to New York, 150 miles, and suspended them because they had taken upon oath the recantation of two Indians who had falsely accused Mr. Dellius. (23) He suspended Thomas Palmer, the Naval Officer, for no other

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apparent reason than his being a witness in a civil action against Mr. Weaver, his Lordship's favourite, and has placed in his room one Paroculus Parmiter, an infamous fellow, convicted of forgery in England, of which his Lordship had notice, and yet has since made him Solicitor-General. (24) He detained a merchant ship several weeks on pretence of sending letters to the Government, and sent down armed men, who brought the master up in custody to New York. (25) He suspended Mr. Brooks from his office of Collector without any just cause. (26) He has lately made Charles Olliver, a second lieutenant in the L.G.'s Company, who has no estate in the Province, High Sheriff of New York. (27) He has displaced most of the militia officers and put in mean, indigent fellows, most of them Dutch. (28) He gave a licence to Hendr. Hanson and others to transport horses from Albany to Canada, which was never practised before and may be of very mischievous consequence in case of a war. This has alarmed the Indians, who are jealous these horses may be used against them. (29) He having got two of Kidd's crew in custody, Buckmaster, an Englishman, and Van Jail, a Dutch, he committed the Englishman to prison without bail, and admitted the Dutchman to bail. (30) He has committed one Clark to prison without bail upon suspicion of his having some goods of Kidd's, only because he had been on board Kidd's vessel. (31) The Mayor and Justices of New York, either through fear, partiality or by order, refuse to take any affidavits relating to his Lordship's proceedings. (32) In justification of these proceedings, he calumniates the people of New York of being pirates and favourers of piracy and breaking the Acts of Navigation, whereas it is evident that but one ship has for ten years past gone from thence on a piratical voyage, and that was pretended to be commissionated by Leisler. 'Tis true that several ships have had a constant trade to Madagascar for negroes, and some of them, having lately met with India goods which they bought at easy rates, transported them to New York. These are what I am informed by the merchants of London will appear to be true. *Signed*, John Key. *Endorsed*, Recd. Read March 11, $\frac{1699}{1700}$. 8 *pp.* [*Board of Trade.* New York, 9. *No.* 17.]

March 11. New Providence.

211. Edward Randolph to the Council of Trade and Plantations. I set out from Bermuda in a new but very small sloop, the 2nd instant, and in three or four hours we break ground, run upon a rock and beat five or six hours, which made us very leaky. We endeavoured to get into a harbour, but were forced to sea and ply our pumps till our arrival here, the 10th. Read Elding has the Government by a deputation from Col. Webb, and commission, at his going to Pensilvania; he and three more masters of vessels with commissions from Webb, under pretence to suppress piracy and take one Kelly who had taken some vessels, forced Edwards, master of a briganteen belonging to Boston, to leave his vessel, shift for his life with his men and one negro woman, believing 'twas Kelly with his consorts, which Read Elding, James Risby, ... Humble, and . . . .

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Groombridge, now at Philadelphia, brought hither, seized and condemned, and shared her money amongst them. 'Tis a remarkable story; the owners, living here, were upon a sham pretence clapt up in close imprisonment till Webb and his harpies had got the briganteen condemned, by which they were not able to appear at the Court to plead in defence of their vessel. I shall by a safe conveyance hence make a particular narrative of the whole proceedings, to show to your Lordships and to the world the great mischiefs which are done to His Majesty's good subjects by most vicious and scandalous fellows, who by some way or other make an interest to get into Government. Were the Lords Proprietors strictly obliged by bond to make reparation for all the damages they bring upon His Majesty's subjects by their negligence and imprudent choice they make of persons to send over to be Governors in the several Proprieties, they would either make a better choice or submit their countries to His Majesty's immediate Government. *Signed*, Edw. Randolph. *Endorsed*, Recd. June 24, Read July 25, 1700. 1¼ *pp.* [*Board of Trade.* Proprieties, 5. *No.* 29; *and* 26. *pp.* 246–248.]

March 11. Whitehall. **212.** Journal of Council of Trade and Plantations. Heads of complaints against Lord Bellomont, intended to be offered to the Committee of the House of Commons in pursuance of the petition [*Feb.* 16], were communicated by Mr. Champante and read.

Answer to the order of the House of Commons considered.

March 12. Memorial from Mr. Wallis read. Directions given for drawing a licence for him to cut trees in New England.

Letter from Mr. Blackborne, Secretary to the Old East India Co., read.

Order of Council, March 7, about settling French Refugees, read. Draft of a letter from His Majesty to the Governor of Virginia accordingly ordered to be prepared.

Mr. Richards, the engineer, about to take care of the fortifications of St. John's, Newfoundland, desiring that the inhabitants might be directed to assist him, the Secretary was ordered to write to Mr. Burchett and Mr. Pulteney.

Order of Council, March 7, presented by M. Dupin, etc. They were directed to lay before the Board the Duke of Courland's title to Tobago, together with their contract, etc.

March 13. Letters to Mr. Pulteney and Mr. Burchett approved.

Letter from Mr. Burchett, (March 12,) desiring some of the Acts for encouraging the trade to Newfoundland, to be distributed there, read. Ordered that six be sent him.

Draft of a licence to Mr. Wallis approved. Letter to transmit it to the Earl of Jersey ordered.

Representation about the Rye and Bedford dispute, signed.

Draft of a letter to the Governor of Virginia about French Refugees approved. Representation to lay it before His Majesty ordered, signed and sent.

March 14. Representation upon the Jamaica Acts, Dec. 1698, signed and sent.

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Letter to the Earl of Jersey signed and sent.

Mr. Martin, Mr. Haynes, Mr. Brain, and Mr. Byfield, merchants, presented proposals for bringing Naval Stores from America, which were read. They were directed to lay before the Board a full scheme of the powers they desire, and a more particular explanation of the terms they propose. [*Board of Trade*, Journal, 12. *pp.* 400–405; *and* 97. *Nos.* 48–51.]

March 12. Maryland. **213.** Governor Blakiston to the Council of Trade and Plantations. In my last of Feb. 2 I transmitted the lists of ships coming and going out of this Province, as directed. The occasion of the accounts of the Revenues, how disposed of here, as likewise the number of arms, is not yet transmitted to your Lordships is no fault of mine, having given repeated orders to Mr. George Plater and Mr. George Muscham(p), H.M. Receivers, for adjusting them, has been impeded by the continued sickness of the Treasurer of this Western Shore, Mr. Robert Mason. I perceive you have received several letters of mine, and it is a great satisfaction to me that hitherto your Lordships are pleased to approve my conduct. I assured you (Feb. 2) of the strict watch I shall always have upon any pirates, but this place is no way convenient for their receptacle, but what may chance to come overland from the adjacent Governments. I shall not be wanting to give you notice, as I have already done, of any ships that shall be seized upon the Acts of Trade and Navigation. I have already received orders from the Commissioners of H.M. Customs relating to Scotchmen, and shall be no longer in the dark in that particular. You are pleased to hint that there are some things mentioned in my Instructions to transmit. When you have perused the Journal of Council and Assembly and the Body of Laws I transmitted Aug. 28, I hope your Lordships will not then think me much tardy, but I must own the Instruction I have about sending the number of planters and inhabitants, as also a yearly account of the increase or decrease, and how many of them are fit to bear arms, the reasons I shall assign for not doing as yet, I hope you think will be a just excuse, for the constable of each hundred are generally very illiterate, and not capable of performing it, but must be disgested into a better method, and when the list of taxables are taken again, which will be this year, I will endeavour to have it done better, for the last are so dark and confused, I was ashamed to send them to your Lordships. I have never acted anything where my Instructions have enjoined me but with the advice of the Council, as your Lordships may see by the said Journals, nor have I made any alteration of officers but amongst the Justices of the Peace in the respective counties, which there was a necessity of filling up by the mortality of severalls, as also giving out Commissions to the officers of the militia, all which I did by the advice of the Council; nor have I suspended any of the Collectors or made any change amongst the Naval Officers, except one Mr. Batson, which was so ignorant in the execution of his office, that in a bond he took for a sloop which went out of this Province, he inserted Scotland

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though the sloop was so small she was not capable of going there, but when I demanded of him the reason, he told me he knew no better, though he had been here 16 years, and some time in that place.

I have already acquainted Mr. Penn of the repeated Order of Council to me about running out the line betwixt him and the Lord Baltimore. I have also given notice of it to the Lord Baltimore's Agents here, who tell me they have no directions or orders about it, but what the next ships may produce they cannot tell, but I shall lay it before the Assembly when they meet, that the grievances of those may be redressed that are kept in suspense of settling their land, if they desire it. The meeting of the last Assembly was in June, which time was not so convenient to the Planters, being in the middle of their crops of tobacco, so the Council have thought it advisable that they meet Ap. 26 next. I am put to great difficulties of getting a Council here at any time, for only Mr. John Hammond lives adjacent to the town; Mr. Thomas Tench is 30 miles off; Mr. Tasker about 40, and the rest 60 or 70. Mr. Tench is intended home this summer, so I shall still find that difficulty to increase upon me. I enclose copy of the form of writ for electing Assemblies. *Signed*, N. Blakiston. Since the above written, I have with some pains got the Accounts of the Revenue, copies of which I have here transmitted. *Endorsed*, Recd. June 29, Read July 26, 1700. 4 *pp. Enclosed*,

213. i. Abstract of above, with marginal notes $1\frac{1}{4}$ *pp.*

213. ii. Copy of writ for electing Delegates to serve in the General Assembly. 1 *p.*

213. iii.–viii. Memoranda of accounts of Mr. Muschamp, Collector of Potomack District, and of Mr. Plater, Collector of Puttuxent District. 6 *slips.* [*Board of Trade.* Maryland, 4. *Nos.* 2, 2.i.–viii.: *and* 9. *pp.* 492–499.]

March 12. Admiralty Office. **214.** J. Burchett to Wm. Popple, desiring copies of the Act to encourage the Trade of Newfoundland, 10th and 11th, William III., for Capt. Fairborne. *Signed*, J. Burchett. *Endorsed*, Recd. Read March 13, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Newfoundland, 4. *No.* 9; *and* 25. *p.* 371.]

March 12. **215.** Minutes of Council of Barbados. Information having been received that George Duncan had spoken seditious words at the house of Thomas Harrison, H.M. Clerk of the Crown and Peace, evidence of all persons present ordered to be taken, and Duncan to be arrested.

The Solicitor and Attorney General gave their opinion that persons not born in England, Ireland or the Plantations were not, according to the Act for preventing frauds and regulating abuses in the Plantation Trade, qualified to act as Justices of the Peace. It is the unanimous opinion of this Board that all such persons are disabled by the said Act.

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Joseph Hole allowed a drawback on some wine turned sour. [*Board of Trade.* Barbados, 65. *pp.* 497, 498.]

March 12. **216.** Minutes of Council of Massachusetts Bay. His Excellency having received fresh advices of the conspiracy of the Pennicooke and other Indians speedily to break into rebellion, ordered that intelligence thereof be sent to Major Joseph Hammond of Kittery, and that His Excellency's pleasure be signified unto him that he communicate the same unto the several Towns and Plantations within his regiment, and that he give effectual order for the keeping of military watches and keeping out scouts to espie the Indians' motions. Also that he cause a view to be taken of all arms, and that the inhabitants be provided with ammunition as the law directs, and be in readiness to pass upon duty for their defence and the repelling of any insult of the Indians, and that their fortifications be repaired. Letters ordered to Capt. John Hill, Commander of H.M. Fort Mary at Saco, and Col. John Pynchon at Springfield, and Major Jonathan Tyng at Dunstable to the same effect.

Advised, that His Excellency communicate the Indians' design to the Assembly to-morrow, and propose to their consideration the making provision by an Act for the levying and disciplining of soldiers; the erecting of a Court Martial; and transporting of soldiers into the neighbouring Provinces and Colonies for their succour and assistance, as occasion may require; as also to propose the making provision for procuring a suitable stock of ammunition and to grant a supply for the Treasury.

Ordered that 50 barrels or more of powder be forthwith provided. [*Board of Trade.* New England, 49. *pp.* 276, 277.]

March 13. Boston. **217.** Minutes of Council in Assembly of Massachusetts Bay. Mr. Speaker, with the House of Representatives, attended His Excellency in the Council Chamber. The Governor addressed the Council and Assembly, explaining that it was absolutely necessary to summon them on account of the reported combination of Indians. He proposed for their consideration the levying and exercising of soldiers, who should be obliged to march out of the Province if need be; the making a law to punish mutiny and desertion, and the provision of arms, ammunition and a war fund.

The Assembly returned to their House, and after consideration of the information about the Indians, suggested that a Joint Committee of the two Houses should consider the Governor's proposals.

March 14. Report of the Committee for Indian affairs read and laid before the Board. His Excellency proposing whether it were not necessary that some proper methods be speedily taken to undeceive the Indians concerning the malicious report that His Majesty designed to extirpate them, a Proclamation was ordered accordingly, and also requiring all persons to avoid provoking the Indians, and to be on their guard. Report of the Committee sent down to the Representatives.

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Bills for putting the Militia in readiness, and for sending assistance to neighbouring Provinces and Colonies, were read twice, committed, reported, passed and ordered to be sent down. [*Board of Trade.* New England, 49. *pp.* 313–316.]

March 13. Whitehall. **218.** William Popple to Mr. Burchett. The Council of Trade and Plantations desire that Capt. Fairborne may be directed to endeavour to persuade the inhabitants of Newfoundland to assist Capt. Richards, who is appointed by the Board of Ordnance to take care of the fortifications there, upon reasonable terms, and more especially in the winter time, when Capt. Fairborn shall be come away and when, their fishing being over, they will have little else to do. I send you six copies of the Act as desired, March 12. [*Board of Trade.* Newfoundland, 25. *p.* 372.]

March 13. Whitehall. **219.** William Popple to Mr. Pulteney. The Lords Commissioners for Trade and Plantations have desired the Admiralty to direct the Commander-in-Chief of H.M. ships of war to assist Capt. Richards as requested. They desire you to move the Board of Ordnance that he may have orders to pay the inhabitants of Newfoundland such wages as may be reasonable. [*Board of Trade.* Newfoundland, 25. *pp.* 373, 374.]

March 13. **220.** Council of Trade and Plantations to the King. Representation upon the difference between New York and Connecticut about the right of Government over the towns of Rye and Bedford. Col. Fletcher, late Governor of New York, having advised us (*Cal.* 1697. No. 1098) that these towns had revolted to Connecticut, and that Connecticut had at Rye in an hostile manner disturbed the execution of H.M. writ for the election of a representative for the General Assembly of New York, we desired Lord Bellomont after his arrival to enquire into the matter, and, he having sent us the reports of the Commissioners appointed by him for New York and of Commissioners from Connecticut, we humbly represent that, in order to the settling a division line between the said Province and Colony, Commissioners were appointed by Charles II., who in 1664 by the mutual consent of both parties signed a report by which those boundaries were to be settled, but it being afterwards found that some places named in it were not at that distance from other places which had been agreed upon, as the Commissioners for New York declared, to be the rule and measure of their proceeding, and that the towns of Rye and Bedford, which by the supposed distance of the foresaid places named for boundaries would have been included in the Province of New York, were by the mistake about that distance made to fall within the Colony of Connecticut, another agreement was made, Nov. 1683, between Col. Dongan, then Governor of New York, for the then Duke of York, and the Governor of Connecticut, Robert Treat, by which the division line is more exactly expressed, so as to remove all future controversy about Rye and Bedford, by including them un-

1700.

doubtedly in the Province of New York. An exact survey was made, landmarks were fixed, and these towns, yielded by the Governor and Company of Connecticut, received under the Government of New York, and so continued until the beginning of 1697. Nevertheless it being now objected by the Commissioners from Connecticut that their Commissioners in 1683 had no power to alter the bounds formerly agreed upon, and further that there is a proviso in the agreement of 1683 submitting the same to the approbation of Charles II. and the Duke of York, which was not declared, and that therefore the Agreement ought to be esteemed void, we answer that the Commissioners were the Governor of that Colony himself and others joined with him in the same Commission, which we conceive to be sufficient authority from that Government, and that the acquiescence of that Government under the settlement then made during the last year of Charles II., the whole time of James I. and at least eight years of your Majesty's reign is a sufficient bar against their cavil upon the proviso, or at least if the want of King Charles' and the Duke of York's approbation be esteemed of any moment, your Majesty is yet in right to supply it. We therefore humbly offer that your Majesty would please to declare your approbation of the Agreement of 1683 and to give directions accordingly to the Commander-in-Chief and Council of New York and the Governor and Company of Connecticut, that the boundaries expressed in that Agreement may forever hereafter remain the division line between the Province of New York and the Colony of Connecticut. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, G. Stepney. [*Board of Trade.* New York, 54. *pp.* 99–104; *and* 44A. *No.* 34.]

March 14. Kensington. **221.** Order of King in Council, approving above Representation, and instructing the Commissioners of Trade and Plantations to prepare draughts of letters to the Earl of Bellomont and Governor and Company of Connecticut accordingly. *Signed*, John Povey. *Endorsed*, Reed. Read March 26, 1700. ¾ *p.* [*Board of Trade.* New York, 9. *No.* 18; *and* 54. *p.* 105.]

March 14. **222.** Memorandum of above order of Council. ½ *p.* [*Board of Trade.* Proprieties, 5. *No.* 30.]

March 14. Admiralty Office. **223.** Mr. Burchett to Mr. Popple. By this night's post I shall forward the Acts of Parliament to Capt. Fairborne, and orders to use his best endeavours to prevail with the inhabitants there to assist Capt. Richards in the works of the fortifications. *Signed*, J. Burchett. *Endorsed*, Reed. March 15, Read March 19, $\frac{1699}{1700}$. ½ *p.* [*Board of Trade.* Newfoundland, 4. *No.* 10; *and* 25. *p.* 374.]

March 14. Whitehall. **224.** Council of Trade and Plantations to the Earl of Jersey, enclosing draught of a licence to William Wallis to cut trees in New England for H.M. Navy. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney. *Annexed*,

1700.

224. i. Draft of licence referred to above. [*Board of Trade.* New England, 37. *pp.* 412–416.]

March 14. Whitehall. **225.** Council of Trade and Plantations to the King, enclosing draft of letter to the Governor of Virginia. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Abr. Hill, George Stepney. *Annexed*,

225. i. Draft of letter for His Majesty's signature to the Governor of Virginia. We will and require you upon the arrival of the Marquis de la Muce, M. de Sailly, and other French Protestant Refugiez to settle in Norfolk County, in Virginia, to give them all possible encouragement by granting unto them such tracts of land as usual to new-comers in that Province, and giving them such further assistance in settling their families and promoting their endeavours in planting as may be reasonable. March 18. *Signed*, Jersey. [*Board of Trade.* Virginia, 37. *pp.* 392–394.]

March 14. Kensington. **226.** Order of King in Council, approving above draft. *Signed*, John Povey. *Endorsed*, Recd. March 18, Read March 26, 1700. ½ *p.* [*Board of Trade.* Virginia, 8. *No.* 7; *and* 37. *p.* 396.]

March 14. **227.** Proposals (? of Mr. Haynes, etc.) for bringing Naval Stores from America. We will produce in H.M. Plantations 1,000 barrels of tar and pitch in two years, and 1,000 more the year following, and deliver in some one port of H.M. Plantations the tar at 8*l.* and the pitch at 10*l.* 10*s.* sterling a last of 12 barrels, etc. 1 *p. Endorsed*, Recd. Read, March 14, $\frac{1699}{1700}$. [*Board of Trade.* Plantations General, 5. *No.* 45; *and* 35. *pp.* 177, 178.]

March 14. Whitehall. **228.** Council of Trade and Plantations to the King. We have duly considered the Acts passed in a General Assembly of Jamaica, Dec. 1698, and humbly report that the (1) Act to continue the additional duty is expired; (2) the Act for appropriating 1,500*l.* to the use of Sir William Beeston, in consideration of his diligence during the war and expence in supporting the honour and charge of his Government, which whilst he was Lieutenant Governor exceeded the advantages he received by it, we recommend for your Majesty's approbation. The other Acts we see no reason why your Majesty may not be graciously pleased to approve of. *List of Acts annexed. Signed*, Stamford, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Jamaica, 57. *pp.* 23–25.]

March 14. Kensington. **229.** Order of King in Council approving the laws referred to in preceding. *Signed*, John Povey. *Endorsed*, Recd. April 4, Read April 5, 1700. 1¾ *pp.* [*Board of Trade.* Jamaica, 9. *No.* 12; *and* 57. *pp.* 26, 27.]

1700.

March 14. **230.** Minutes of Council of New York. Proclamation ordered forbidding the transportation of horses to Canada.

Complaint of Mrs. Davis, one of the King's tenants, that John Rodman is about to pull down a party wall between her house and the City Hall, referred to Col. Cortlandt.

Liberty granted to John Latham, shipwright, and Company to cut timber for His Majesty's service in any vacant land.

82*l.* ordered to be paid to David Hendrickse, whose boat was lost in assisting H.M.S. *Newport* when aground at the mouth of the narrows coming into this port.

Petition of Benjamin Fennile, Marchand, to be excused payment of additional customs for some goods shipped for this port *via* Boston. William Sharpas announced that he had delivered the letters to Gov. Penn, Col. Quary, Col. Markham and Gov. Blakiston. He delivered to His Excellency a sealed bag from Gov. Blakiston containing some pirates' treasure, which the Lieut. Governor and Council sealed without opening. [*Board of Trade.* New York, 72. *pp.* 296–298.]

March 15. **231.** Minutes of Council in Assembly of Massachusetts Bay. Bill for levying soldiers read twice, committed, amended, passed and ordered to be sent down. Bill for assessment of taxes, amended in Committee, passed and sent down.

Bills for putting the militia in readiness, and for succouring neighbours, passed by the Representatives, sent up, and passed. Bill for punishing mutiny and desertion read twice and committed.

March 16. Several amendments were agreed upon.

Bill for levying soldiers, passed by the Representatives and sent up, was passed. His Excellency gave his consent to this Bill and those passed yesterday.

The Representatives desired the Governor to send forces to guard the frontiers. Upon which it was advised that His Excellency be pleased to order the levying of 145 soldiers out of the militias of several counties to be posted at several places. [*Board of Trade.* New England, 49. *pp.* 317–319.]

[?]March 18. **232.** Memorial of Nicholas Dupin and others to the Council of Trade and Plantations. Quotes provisions of the grant by Charles II. of Tobago to James, Duke of Courland, in return for the Fort of St. Andrew in Guinea and all other forts there to the said Duke belonging. By agreement Nov. 9, 1699, the Duke's envoy granted to petitioners 50,000 acres of land in Tobago. We pray your Lordships to report that it is reasonable for His Majesty to confirm this contract, and crave leave to answer any objections raised. *Signed*, Nicholas Dupin, Richd. Goddard, John Britton, Tho. Puckle, Jos. Blake. *Mem.* that Col. Monck, late Governor of Tobago under the Duke of Courland, may be called for. *Endorsed*, Recd. March 18, Read March 22, $\frac{1699}{1700}$. 3 *pp.* [*Board of Trade.* Barbados, 8. *No.* 38; *and* 45. *pp.* 30–32.]

1700.

March 18. Lime-street. **233.** Richd. Haynes to Wm. Popple, enclosing additional proposals for bringing Naval Stores from the Plantations. *Signed*, Rich. Haynes. *Endorsed*, Recd. March 18, Read March 19, $\frac{1699}{1700}$. 2 *pp. Enclosed*,

233. i. Additional proposals for bringing Naval Stores. By Naval Stores we mean piteh, tar and rozin. We ineline not to undertake freight so long beforehand, yet if their Lordships will let us know what they will allow in peaee and war we will soon give our answer. The powers we expeet are no more than whereof there is a preeedent in the Greenland Aet. $\frac{3}{4}$ *p.*

233. ii. Certifieate that the tar brought from the Plantations in Ameriea is as good, if not better, than that brought from Stoekholm, and that it has nothing of burning quality as some represent. *Signed*, Andw. Fryer. March 16, 1699. $\frac{1}{4}$ *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 46, 46.i. ii. ; *and* 35. *pp.* 178–183.]

March 18. **234.** Minutes of Council of Virginia. Letter of Council of Trade, Nov. 30 last, read. Proclamation about Pirates ordered aecordingly. The Committee appointed to revise the laws reeommended to provide good and wholesome laws to prevent eseapes from gaol.

Peter Haek, Dep. Colleetor of Potowmeek River, having seized the *Jane* of Dublin, Wm. Thornton, Master, on suspieion of illegal trade, proseeution ordered. The trial being delayed for a witness to come out of Maryland, ordered that the ship be appraised, and upon the Master's giving seeurity to the value of her, he is to be allowed to proceed to his loading.

Riehard Chiehester, Colleetor of Rappahanock River, eomplaining that he needs a boat, ordered that if His Majesty have any boat in that river he is to have it, and, if not, to buy one. [*Board of Trade.* Virginia, 53. *pp.* 392–394.]

March 18. **235.** Minutes of Council in Assembly of Massaehusetts Bay. Mutiny Bill, with amendment, agreed to and sent down.

Bills against deserters, and to prevent the deserting of the frontiers, read twiee and eommitted.

Bill amending the Act for establishing preeedents and forms read twiee and eommitted.

March 19. The above three Bills were amended, passed and sent down. The House of Representatives proposed to His Exeelleney in Council that a day of Publie Fasting and Prayer might be appointed throughout the Provinee for averting the threatened trouble from the Indians. A Proclamation was ordered aecordingly.

The Council in Committee agreed to several proposals about the erection of houses for trading with the Indians.

March 20. Petition of the inhabitants of the upper part of Kittery, ealled Barwiek, praying to be made a distinet township, referred to eonsideration of the next Assembly. This order sent down for eoneurrenee.

1700.

Bill ordered to be brought in containing the approved proposals about Trading Houses for the Indians.

Bills about assessing taxes and punishing soldiers returned up, and passed.

Proclamation for a general Fast, April 25, agreed to.

Bills, for setting up Trading Houses for supplying the Indians, and in addition to the Act for building with stone or brick in Boston and preventing fire, read twice and committed. [*Board of Trade.* New England, 49. *pp.* 319–323.]

March 19. Whitehall. **236.** W. Popple to Richard Haynes. The Lords Commissioners for Trade and Plantations desire that you and the other gentlemen concerned in your proposals would more plainly express at what prices you will undertake to deliver the commodities as well here as in the Plantations, in doing whereof you may propose what difference you think fit with relation either to peace or war, and, if any such delivery be to be made in the Plantations, at what particular place you undertake to do it. [*Board of Trade.* Plantations General, 35. *pp.* 183, 184.]

March 19. **237.** Minutes of Council of Barbados. Attorney and Solicitor General ordered to prosecute George Duncan.

Writs ordered to be issued for a new Assembly to meet in St. Michael's Town, Tuesday, April 16.

Order for payment of 1,140*l.* 5*s.* 4*d.* signed, for hire of the *Anna Bonadventura* upon an expedition to Martinico (1693 ?).

The Solicitor and Attorney General ordered to take evidence about the breaking open of the Custom House at Spight's Town.

March 20. Ordered that the Churchwardens of St. Peters and St. Lucie's put down the acres of land belonging to those who have not sworn to it, as they stood entered in the Church books 12 months ago. [*Board of Trade.* Barbados, 65. *pp.* 498–500.]

March 19. Whitehall. **238.** Journal of Council of Trade and Plantations. Letter from Mr. Burchett, March 14, read.

March 20. Letter from Mr. Haynes, March 18, with proposals about Naval Stores, etc., read. Secretary ordered to enquire at what price they propose to deliver pitch, tar and rosin, here and in the Plantations, and, if delivered in the Plantations, at what place they propose to do it. Progress made with answer to the House of Commons.

March 21. Letter from Mr. Thurston about sending money, etc., to the soldiers at Newfoundland, read. Secretary ordered to send it to Mr. Burchett, and desire him to move the Admiralty accordingly. Progress made with answer to the House of Commons.

March 22. Memorial from M. Dupin about Tobago laid before the Board. Representation directed.

Reply from Mr. Burchett, that H.M. ships are on the very point of sailing for Newfoundland, read. Mr. Thurston informed. Answer to the Order of the House of Commons agreed upon. [*Board of Trade.* Journal, 12. *pp.* 406–409; *and* 97. *Nos.* 52–55.]

1700.

March 20. London. **239.** Richd. Haynes to Wm. Popple. In answer to their Lordships' enquiry, we stated the price in our first proposals (*March* 14). As to delivery here, the common freight we reckon may be 6*l.* or 7*l.* a last, and probably, if encouraged, we may undertake the importing it. But from which place we must for the present forbear to name. *Signed*, Richd. Haynes. *Endorsed*, Recd. March 20, Read March 26, 1700. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 47; *and* 35. *pp.* 184, 185.]

March 21. **240.** Minutes of Council of Massachusetts Bay. Thomas Hinckley having exhibited objections to the report of the Commissioners concerning the right of Tatamunuck, *alias* Tatamunnah, an Indian, to 1,000 acres of land at or about Seconett in the County of Bristol (Aug. 24, 1699), ordered that the Attorney General enquire after any lands belonging to the Province in those parts and not lawfully and regularly disposed of or appropriated by the Government, and to bring writs of intrusion against those that have possessed themselves thereof. [*Board of Trade.* New England, 49. *p.* 278.]

March 21. **241.** Minutes of Council in Assembly of Massachusetts Bay. Bills for Trading Houses for the Indians and in addition to the Act for building in stone at Boston amended, passed and sent down.

March 22. Bills, to prevent the deserting of the Frontiers; against deserters; repealing part of the Act establishing precedents; passed by the Representatives and sent up, were passed and received His Excellency's consent.

Bills directing the proceedings in the removal of forcible entries, etc.; and granting unto His Majesty a tax upon polls and estates, were sent up, read twice, committed, and sent down with amendments. The latter, with amendments agreed on, was passed.

Two private Bills, relating to Peter Papillio, late of Bristol, and Bilrica Bridge, of Middlesex, sent up, read twice, committed, and passed.

Report of a Committee, appointed by the General Assembly for settling a boundary for the precincts of the two meeting-houses in Watertown, was read and referred to the next Assembly, the former order about ceasing all actions, etc., in the interim to remain in force. This order sent down to the House of Representatives for concurrence.

Petition of the inhabitants of Newton, praying to be freed from the Town of Cambridge, and that they may not stand under obligation any further to contribute towards Cambridge bridge, sent up from the House of Representatives, whose resolve, that the Town of Newton be heard before this Court some time next session, was agreed to.

Allowances granted to Joseph Benjamin and Peter Legrove wounded in His Majesty's service. [*Board of Trade.* New England, 49. *pp.* 323–326.]

1700.

March 21. **242.** John Thurston to Mr. Popple. I pray you to move the Board that one of the men of war appointed for Newfoundland may carry the money paid over to me and the necessaries provided for the company of Foot there. The ships will sail in two or three days. *Signed*, John Thurston. *Endorsed*, March 21, $\frac{1699}{1700}$. *Copy.* ½ *p. Written below,*

March 21. Whitehall. 242. i. William Popple to Mr. Burchett, enclosing above, and desiring that the Admiralty be moved to direct according. *Signed*, W. P. ½ *p.* [*Board of Trade.* Newfoundland, 4. *No.* 11; *and* 25. *p.* 375.]

March 22. Admiralty Office. **243.** J. Burchett to Mr. Popple. In all probability the ships are sayled from Nore to Spithead. But in case the money and necessarys (*referred to above*) can be hastened down to Portsmouth so as to be there in 48 hours after the orders arrive with Capt. Fairborne, which will be sent this night relating to the same, he is directed to take it on board. *Signed*, J. Burchett. *Endorsed*, Recd. Read March 22, $\frac{1699}{1700}$. 1 *p.* [*Board of Trade.* Newfoundland, 4. *No.* 12; *and* 25. *p.* 376.]

March 22. Whitehall. **244.** Answer of the Council of Trade and Plantations to the Order of the House of Commons, March 6. Quotes Commission of May 15, 1696. *Enumerates* measures taken and advised for protection of the woollen manufacture and trade in the East, etc., etc. *Concludes*:—As to H.M. Plantations, there are 20 several Colonies (besides Hudson's Bay and Newfoundland, in which last place there is no Governor,) each whereof have their distinct Governments, Councils and Assemblies, some of which Colonies are governed by His Majesty's immediate Commission and others by Proprietors and Charters. The business relating to these Plantations is managed by a constant correspondence with all the Governors appointed by H.M. immediate Commission and occasionally with all the rest; in the course whereof they send us Journals of their Council, Assemblies and other public proceedings, with accounts of all things whatsoever relating to each of their Governments, all which are considered by us for the necessary orders to be returned, and more particularly the many Acts or Laws of the several Assemblies fall under our examination; and after our consulting H.M. Council learned in the Law, as to the legal part, our reports are made thereupon to His Majesty in his Privy Council for his Royal assent or disallowance, with particular regard to the interest and improvement of the Trade of England as well as to the good of those Plantations. We have prepared draughts of Commissions and Instructions for all the Governors of H.M. Plantations. We have upon several occasions proposed to His Majesty the appointing of convoys for the Plantations and of ships of war necessary to protect their trade, and upon the complaints of the inhabitants there or merchants in England of hardships in the pressing of men and otherwise by Captains of men of war in those

1700.

parts, we have presented unto His Majesty regulations therein, which have had a good effect. Upon information from the officers of H.M. Customs in the Plantations, and others, of the partiality of the people there, and more particularly in the Propriety Governments, in all trials upon the Acts of Trade wherein their private interest is concerned, we did represent the usefulness of Courts of Admiralty in the Plantations, upon which such Courts have been erected, and, where they have not been disputed, have proved of great encouragement to legal trade.

Being informed by many instances of the great countenance given to pirates in some of the Plantations, and chiefly in the Proprieties and Charter Governments, by fitting out their ships from thence and furnishing them with all sorts of provisions and ammunition, and receiving them with their plunder at their return, and acquitting them upon feigned trials, we did make several representations and proposed the enacting of laws there for the trial and punishment of pirates in conformity to a law heretofore passed in Jamaica to that effect, which having been refused in the Proprieties, we proposed as the only remedy for so great an evil the offering a Bill in Parliament for that purpose, wherein we consulted Sir Charles Hedges, Judge of H.M. High Court of Admiralty, by whose great care and assistance such a Bill has been prepared and is now lying before this honourable House.

And being further sensible of the great irregularities in the Proprieties and Charter Governments, not only in reference to illegal trade and piracy, but otherwise, we have upon several occasions represented the same to His Majesty, and an Act of Parliament having passed whereby the Governors are obliged to have His Majesty's approbation for acting in that capacity, we required all Proprietors and Governments to present their respective Governors to His Majesty, and in order to his approbation of them to give security for their due observing the Acts of Trade according to an address presented to His Majesty by the Rt. Hon. the House of Lords for that purpose. But all the Proprietors having declared [*? declined*] to give any such security, and only to [? *two*] Charter Governments, Connecticut and Rhode Island, having lately done it in America, and not any one of those Governors being at present qualified by His Majesty's approbation of them as required by the Act, we do not see anything, without some further provision by Parliament, capable to reduce them to a more regular conduct and compliance with their duty in reference to the Trade of England. We have also upon occasion represented the misdemeanours of some Governors of Plantations acting by His Majesty's immediate Commission. We have made many representations in defence of His Majesty's title to several Islands in America, claimed by foreign Princes, of which one is a claim made by the Elector of Brandenburgh to the Island of New Tertholen, lying amongst H.M. Leeward Charibbee Islands; one made by the French King to the Island of Sta. Lucia lying among the Windward Charibbee Islands, and another to Tobago by the same and also by the Duke of Courland.

1700.

Our Representation to the House of Lords upon the Colony at Darien was, we presume, satisfactory; their Lordships having made an address to His Majesty to the same effect.

We have made several representations relating to the boundaries between H.M. Plantations and those of the French upon the Continent, particularly in the N.E. parts of New England, where they have endeavoured to encroach upon us, both as to the land and fishery. Upon controversies that have happened between some of H.M. Colonies and others, relating to their boundaries, especially between H.M. Governments and Proprieties, and upon different claims that have been set on foot to some whole Provinces, we have examined all their respective titles, and the necessary instruments have been given by His Majesty thereupon.

We have often represented the necessity of preserving the friendship of the Five Nations of Indians, which are a barrier between H.M. Plantations and Canada, by treating them kindly and shewing them a force constantly maintained in the Province of New York ready to protect them upon all occasions. We have applied ourselves to the promoting of the importation of Naval Stores from New England and other H.M. Plantations, and for the carrying on so good a design His Majesty has been pleased upon our applications to order the Navy Board to send Commissioners to New England who have been likewise joined with Commissioners of that Colony for the reviewing and inspecting the woods lying upon that coast, for providing H.M. Navy with masts and other necessary materials for building of ships, as also with pitch, tar and rozin, of which great quantities may be produced in those parts and some specimens of each, sent by the said Commissioners, are lately arrived and now under the examination of the Navy Board. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Trade Papers, 15. *pp.* 20–37.]

March 23. Barbados. 245. Governor Grey to the Council of Trade and Plantations. Information having been given me, on Tuesday the 12th inst., that one George Duncan, a Scotchman, being at the house of Thomas Harrison, H.M. Clerk of the Crown and Peace, on the 10th, had spoke several seditious words against His Majesty, several depositions were taken by H.M. Attorney and Solicitor General, who on consideration thereof, 19th inst., by the Council, was ordered to prosecute. A scandalous book, entituled "The Defence of the Scotch Settlement at Darien," having been lately sent over by some disaffected persons, has encouraged several of the people of that nation to take a greater liberty in talking than is fit for me to suffer, but the example which I believe will be made of this Duncan, and all Scotchmen being put out of the Commission of Peace, as by the 7th and 8th of the King are not qualified to act as such, will I hope be an effectual means to suppress the like insolencies in them for the future. *Signed*, R. Grey. *Endorsed*, Recd. June 5, Read June 7, 1700. 1 *p.* *Enclosed*,

1700.

245. i. Certificate that the following papers are true copies. *Signed*, R. Grey, Ed. Bedingfield. 1 *p.*

245. ii. Copy of minutes of Council of Barbados, March 12th–19th, 1700, with depositions of Benjamin Cryer, Rev. Richd. Hull, Thomas Harrison, clerk of the Crown and Peace, Robert Stillingfleet, John Green, Paul Lyte, John Mills, William Lyte. "Duncan, who was in drink, declared the Scotch were as good as the English, no subjects of King William, and that there would soon be a change." 8 *pp. Endorsed as above.* [*Board of Trade.* Barbados, 8. *Nos.* 47, 47.i., ii.; *and* (*without enclosures*), 45. *pp.* 62, 63.]

March 23. **246.** Minutes of Council in Assembly of Massachusetts Bay. Four Bills, for tax, building with stone, and relating to Bilrica Bridge and Peter Papillio, returned up, were passed, and received His Excellency's consent.

A motion from the Representatives that the care of the College might be continued in the hands of the late Corporation, as at present, until other provision be made, was approved.

The Governor's House-rent, and salaries to the Judges of the Superior Court, allowed by the Representatives, was consented to.

80*l.* paid to Isaac Addington, Secretary; 5*l.* to John Leverett; 18*l.*, making 25*l.* in all, to Mr. John White, Clerk of the House; 10*l.* to Samuel Phips, formerly Clerk; 30*l.* to James Maxwell. 100*l.* lent to Mr. Thomas Adkins of Boston.

Commissioners were appointed to set out land for some Indians in Tiverton.

Petition of Taunton, for help towards a new bridge over Taunton great river at the south part of the town, sent up by the Representatives. Their vote, for the appointment of a Commission to consider if it be necessary, and, if so, to consider the benefit of Freetown, Tiverton, Little Compton and Dartmouth, and that, if they are not otherwise burdened with their own bridges, they may be ordered to contribute an equitable proportion towards building and maintaining the said bridge, and that the charge of the Committee, who are to report next session, be borne by petitioners, agreed to.

Petition of John Arnold, gaoler of Bristol, for arrears, referred to a Committee of both Houses for a report to next Assembly.

The Representatives concurred with the resolve of the Board about the precincts of two Meeting-Houses in Watertown.

His Excellency directed that the Acts and Laws passed this session be published.

Mr. Speaker and Assembly were summoned and attended His Excellency in the Council Chamber, who addressed them and prorogued them till April 24. [*Board of Trade.* New England, 49. *pp.* 326–331.]

March 23. **247.** Minutes of Council of Barbados. The Council advised that His Excellency may safely order the Treasurer to dispose

1700.

of all servants belonging to the country who are not placed out by the 25th. [*Board of Trade.* Barbados, 65. *p.* 500.]

March 23. **248.** Minutes of Council of New York. Proclamation, proroguing the Assembly to June 6th, ordered. [*Board of Trade.* New York, 72. *pp.* 298, 299.]

March 24. Maryland. **249.** Governor Blakiston to the Council of Trade and Plantations. Mr. Thomas Tench, who is the second person nominated by His Majesty in the Council of this Province, has desired liberty to go for England for some months. He has always been very zealous in the service of His Majesty, which is the motive that induces me to acquaint you that he is ready to attend your Honourable Board if you want to be informed of any particulars relating to this Province. *Signed*, N. Blakiston. *Endorsed*, Recd. Read Aug. 9, 1700. 1 *p.* [*Board of Trade.* Maryland, 4. *No.* 3; *and* 9. *p.* 509.]

March 25. New Providence. **250.** Edward Randolph to the Council of Trade and Plantations. *Begins as March* 11. I am, I thank God, in health but not recovered of the lameness I got in gaol at Bermuda. I landed the 10th inst. and finding Mr. Read Elding (tho' illegally, yet) actually in the possession of the Government, the next day, after some debate had with him, I administered to him the oath, though several objections were at that time made to the contrary, viz. that he assumed the Government by virtue of an illegal commission clandestinely obtained from Webb, being also contrary to the Lords Proprietors' instructions which direct the method of appointing another Governor, in case of the death or departure of the present. Besides, Webb went away on a suddaine to Philadelphia, not having first advised with the Council nor had the consent of any one of them about his appointing Elding his Deputy, which was not known to any of them till Webb was under sail, so that the Government is of right invested in Mr. Richard Peterson, a Lords' Deputy and the first in Council. But they, finding the inhabitants divided and ready to cast off all Government, chose rather to sit still than hazard the peace of the country, and expect the Lords Proprietors' directions in that matter. But the chief thing before I gave the oath that I scrupled at was, that Elding, under pretence of a commission to him from Webb to apprehend pirates, etc., piratically seized a briganteen of Boston, John Edwards, Master. Webb, Elding, and the others to whom he had given the like commissions, shared the money they found aboard. Elding does not only brave it out upon the Commission Webb gave him to be Lieutenant Governor, but supports himself in the lawfulness of the other commission to take pirates, but sets a very high value upon his services by the accidental seizing Hind the pirate and afterwards executing six of his accomplices. Hind and four of his men were surprised upon an island 10 or 12 leagues from hence by a Bermuda man: the three others were taken by chance and executed also, but one of the four, having nothing

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proved against him, was discharged and sent by Elding to cut logwood at Campeach, run away, and believes his good services against Hind, etc., will expiate for his own piracy upon Edwards. He a day or two ago caned Mr. Gower, a Lords' Deputy, most severely, and keeps him in prison, for questioning his power to appoint a Judge to try the pirates, a thing questioned by all the Lords' Deputys. Their Lordships at home are very careless and ignorant of their own interest and of the good of the inhabitants. Though many complaints upon just grounds are made to them, praying for relief, yet they take no notice of it, nor of the most arbitrary government of Trott and Webb; neither of the late action done by Elding against Edwards, which they had notice of, but discourse him very indifferently upon that matter. These inhabitants are daily more unsettled, and will give little credit to what their Lordships say or promise them they will do for their encouragement, when at the same time they sell and dispose of their privileges for very inconsiderable sums, as Hog Island, lying to the north of Providence, which makes the harbour, 'tis, after several grants and confirmations thereof to the inhabitants, sold to Mr. Trott for 50*l.*, to the utter ruin to the inhabitants of this town. Their Lordships have likewise granted away the royalty of the whale fishing and a great part of the Island of Abbico to one Dudgeon, late Secretary and Marshall of Bermuda, a sort of stock jobber, for 30 years, as appears upon record here; neither do they regard into whose hands the Government of these Islands comes. I am well informed that for more than seven years past seldom less than four known pirates have been of the Council. I brought Commissions to persons upon the place to be Officers in the Court of Admiralty, but all of them, except Ellis Lightwood, the intended Judge, are either dead or removed. I find him an ill man, and was a busy promoter of oppression in Trott's and Webb's time, as appears by the records of the Courts in which he was Judge. Besides, he is the only security for Bridgeman, *alias* Every's appearing here when demanded, in one bond of 1,000*l.*, and also for 10 or 12 of his company in a like bond of 1,000*l.* for each of their appearance. I have suspended the delivery of the Commission to him for that reason. 'Tis expected that orders will be directed to some persons here to put those bonds in suit, ('twill deter others); the securities have got a great deal of money. I know no man so fit for that service as Mr. Thomas Walker; as to Mr. Warren, the Attorney General, he is security also for some of Every's men. Packer, one of that gang, is married to Elding's sister now in town. His Majesty will have little justice done him by Elding and others of his party, who bear all the sway here. Webb was directed and proved an apt scholar under Trott's discipline and advice; Elding writes after his copy and expects to be made the Governor, by which appears the deplorable and miserable conditions the poor inflicted inhabitants have lived in from the time of their resettlement, after they were drove off and destroyed in 1680 by the Spaniards, who watch an opportunity to do the like

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again. The Lords Proprietors laid out money and sent over a few arms with some ammunition to the value of 3,600*l.* sterling towards the defence of the country. After all their charge their fort is not serviceable. Certainly the inhabitants will either desert the place or submit to any foreign Power that will protect them.

The interests and the affairs here between the Lords and the inhabitants are so different and distracted that it will require a long time to bring them to a right understanding. From the consideration whereof I humbly propose that His Majesty will please to require Read Elding to answer in England for his piracy against Edwards, and, further, that in the meantime till there be a complete settlement in this and all other the Proprieties, that His Majesty be pleased to direct his Commission to Thomas Walker, Esq., an ingenuous man, one of the Lords' Deputies, to be the President, and to Richard Peterson, a Deputy, Isaac Rush, Richard Tollefero, Thomas Williams, Martin Cook, Samuel Frith, Perient Trott, Jeremiah Wells, and John Bethel, to be the Council and to take upon them the administration of the Government of these Islands, (being all of them settled inhabitants,) during His Majesty's pleasure. I have the promise of an exact draft of these Islands and of the fort and harbour of of this town, but being presently bound to Carolina in my return to Bermuda, I have recommended the care thereof to Mr. Walker, who will make it his business to see them exactly drawn and transmit them with a complete narrative thereof to your Lordships. *Signed*, Ed. Randolph, S.G. *Endorsed*, Recd. July 20, Read July 25, 1700. *Holograph.* 2½ *pp. Enclosed,*

250. i. Abstract of above. 1¼ *pp.*

250. ii. Copy of Read Elding's Commission from Gov. Webb to be Deputy Governor of New Providence, etc. April 13, 1699. *Endorsed*, Recd. July 20, 1700. 1 *p.*

250. iii. Copy of a clause in the Lords Proprietors' Commission to their Governor about appointing Deputy Governors, Jan. 12, 1692. ½ *p. Same endorsement.*

250. iv. Copy of Gov. Webb's Commission to Read Elding to take pirates, July 13, 1698. 1 *p. Same endorsement.*

250. v. Copies of depositions by John Edwards, Master; Ebenezer Dennesse, Mate; and John Stiles, Boatswain; William Gray and John Ashcroft, Mariners, of the *Bohemia Merchant*, which was chased and piratically seized by Read Elding off Cape Florida, August 2, 1698; and of Daniel Kenney, of the *Sweepstakes.* 3 *pp. Same endorsement.*

250. vi. Copy of letter from Lords Proprietors of the Bahama Islands to Gov. Webb and Council, May 27, 1699. 1¾ *pp. Same endorsement.*

250. vii. Copy of an Order of the Grand Council, Nassau, July 8, 1690, making Hogg Island a free Common. *On back*, Copy of disallowance of the same by the Lords Proprietors. Sept. 21, 1699. *Same endorsement.* [*Board of Trade.* Proprieties, 5. *Nos.* 31, 31.i.–vii.; *and* (*without enclosures*), 26. *pp.* 248–256.]

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March 25. Whitehall. **251**. Journal of Council of Trade and Plantations. Answer to the late order of the House of Commons signed. Mr. Blathwayt was desired to lay it before the House.

March 26. Letter from Mr. Thurston read. Letter to the Secretary of the Board of Ordnance ordered accordingly.

Order of Council, March 14, relating to the boundaries of New York and Connecticut. Drafts of order and letters ordered to be prepared accordingly.

Letter from Mr. Haynes, March 20, read. Directions given to acquaint him that their Lordships observe the shortness of what he has hitherto writ in relation to the price of rosin, the unwillingness of himself and friends to deliver Naval Stores here, and their not naming the place where they will undertake to deliver them in America. If they will send a full draft of what they will engage to perform and what encouragement they desire in so doing, their Lordships will be very ready to consider it.

Orders of Council, March 7 and 14, about French Refugees, read.

Letter from Lord Bellomont, Jan. 5, read. The New Hampshire Act mentioned ordered to be sent to Mr. Solicitor General. [*Board of Trade.* Journal, 12. *pp.* 410–415; *and* 97. *Nos.* 56, 57.]

March 26. **252**. John Thurston to William Popple. It was impossible for me to get the soldiers' money and goods to Portsmouth in time (*see No.* 243). And now there is no ship that I can hear of going to Newfoundland on His Majesty's account, but one which the officers of the Ordnance have taken up for transporting workmen and materials, which will be sailing the latter end of this week. I pray you will move their Lordships for a letter to the Ordnance to permit the goods to be put on board the said ship and to order the Paymaster appointed by them for the present service to receive the subsistance money, to be paid over to the officer in chief upon his arrival at Newfoundland. [*Board of Trade.* Newfoundland, 25. *p.* 377.]

March 26. Whitehall. **253**. William Popple to Mr. Pulteney. Enclosing preceeding letter and desiring that directions may be given accordingly. [*Board of Trade.* Newfoundland, 25. *p.* 378.]

254. Memorandum of above. ¼ *p.* [*Board of Trade.* Newfoundland, 4. *No.* 13.]

March 26. Whitehall. **255**. William Popple to Richard Haynes. The Council of Trade and Plantations observe that you have not mentioned any price at which you will deliver rozin. You being neither willing to deliver those commodities here nor to declare at what certain place you will deliver them there, they do not understand what answer can be made to such uncertain proposals. If you will lay before them a full draft of what you will engage to perform and of what you desire for your encouragement, they will be ready

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to consider the same and give you such answer as may be reasonable. [*Board of Trade.* Plantations General, 35. *p.* 186.]

March 26. Philadelphia. **256.** Deposition of Robt. Quary, attested before Wm. Penn, as to all the pirates' goods that came to his hands. *Signed*, Robt. Quary. 1¼ *pp.* [*Board of Trade.* Proprieties, 5. *No.* 32.]

March 26. Whitehall. **257.** Letter from the Earl of Jersey to the Council of Trade and Plantations, March 26, with a petition of the Royal African Company, directing that letters to the Governors of Barbados, Antigoa, Mountserat, Nevis, St. Christopher's and Jamaica, be prepared as their Lordships shall judge proper. *Signed*, Jersey. *Endorsed*, Reed. Read March 28, 1700. 1 *p. Enclosed*,

257. i. Copy of petition referred to above. The Royal African Company have great sums of money owing them in America, but the Courts of Justice are so frequently adjourned by the Judges there that the petitioners are prevented the recovery of their just debts. They pray for your letter to the Governors of above named Plantations that the Courts of Justice may be duly and frequently held. *Signed*, John Pery, Secretary. 1 *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 48, 48.i. ; *and* 35. *pp.* 187–189.]

258. Memorandum of above letter. ½ *p.* [*Board of Trade.* Jamaica, 9. *No.* 11.]

259. Memorandum of above letter. ¼ *p.* [*Board of Trade.* Barbados, 8. *No.* 39.]

260. Memorandum of above letter. ½ *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 58.]

March 27. London. **261.** Richd. Haynes to W. Popple. We think our proposals were very positive, save only the Port, and to remove that have *per* the enclosed named the Colonies in which we must set about it. As to what we desire for encouragement, seeing that must come from above, we have only hinted a precedent, and submit the rest. *Signed*, Rich. Haynes. *Endorsed*, Recd. March 27, Read April 10, 1700. 1 *p. Enclosed*,

261. i. Proposals for bringing Naval Stores. In times of peace we will deliver in England for 7*l.* a last freight. In time of war we decline doing anything more than to deliver in some good port or river in Carolina, Virginia, New England, Pennsylvania or the Jerseys. As to rozin, the calculation of its cost we are not yet exact in nor can fix the price. The same commodities to be imported by us Custom free. We to be incorporated by Act of Parliament or a Charter in the nature of the Greenland Company. To prevent stock-jobbing we will gladly submit to all the laws in force against other Companies. On non-performance of delivery of the 2,000 barrells the Corporation to cease. 1 *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 51, 51.i. ; *and* 35. *pp.* 193–195.]

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March 27. Whitehall. **262.** William Popple to Sir John Hawles, enclosing for his opinion an Act passed, Nov. 21, 1699, in the General Assembly of New Hampshire for raising 460*l.* [*Board of Trade.* New England, 37. *p.* 421.]

March 27. Whitehall. **263.** Journal of Council of Trade and Plantations. Draft of Representation about Tobago agreed upon. Signed, March 28.

Drafts of Order of Council and letters about the boundaries of New York and Connecticut agreed upon. Signed, March 28.

Ordered that the Secretary inform M. Desailly that their Lordships think it necessary the letter to the Governor of Virginia about the settlement of French Refugiez should be sent away beforehand, that so preparation may be made for them against their arrival.

March 28. Letter from the Earl of Jersey with the petition of the Royal African Company, read. Directions given for drafts of letters to Governors accordingly.

Directions given for answers to several matters in Lord Bellomont's letters.

Secretary ordered to enquire of Mr. Burchett what ships of war are now attending H.M. Plantations respectively, and of Sir Charles Hedges his opinion upon Lord Bellomont's query about seamen's wages (Oct. 20, 1699). Letter ordered to the Earl of Jersey upon what Lord Bellomont desires, May 3, 1699, about pardoning Lt. Col. Pierson, and, Oct. 20, about leave to meet the Governors of Virginia and Maryland at Philadelphia. [*Board of Trade.* Journal, *pp.* 415–418; *and* 97. *Nos.* 58, 59.]

March 28. Whitehall. **264.** Council of Trade and Plantations to the King. We have considered the petition of Mr. Nicholas Dupin, etc. Sir Thomas Warner took possession of Tobago for the Crown of England, 1626. Charles II. granted it to the then Duke of Courland in 1664 to hold under His Majesty's protection, provided that he should not permit it to be inhabited but by English and Courlanders, or to export or import goods otherwise than out of or to some of the ports belonging to England or Courland or the Port of Dantsick. And in further acknowledgement of his tenure it was provided that he should be obliged in case of war to furnish His Majesty with a ship of 40 guns. Notwithstanding which grant, the Dutch West India Company were possessed of this Island till 1672, when during the war with the States General it was retaken by the English at the sole charge of the Crown, nor did the Duke of Courland furnish His Majesty with a ship at that or any other time. Again, by articles of agreement between Abraham Marini, resident of the Duke, and Capt. John Pointz, Sep. 20, 1681, there is granted to Pointz & Co. 120,000 acres with liberty of trading to all parts of the world whatsoever and of remaining neuter in case of a war between His Majesty and the Duke of Courland, or any other foreign Prince with whom the Duke may be allied, which conditions are expressly contrary to the grant and a plain disowning of the protection of the Crown of England. For which reasons and

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also forasmuch as Tobago has often changed masters since the first grant and the Duke did not settle the same in due time, the said grant has been declared void in law; so that we humbly conceive your Majesty cannot by law allow the Duke of Courland's title nor permit his subjects to settle that island; since if the inhabitants be accounted foreigners and belonging to a foreign prince it will not be lawful for any other of your Majesty's Plantations or Dominions in America to entertain any commerce with them; and if they be accounted your Majesty's subjects and under your royal protection and Government, it is in like manner provided by the Laws and Acts of Parliament of this Kingdom, that they do not entertain any traffic or commerce with any foreign State or Country. This in accordance with our recent representations, whereupon your Majesty was pleased to forbid all persons to attempt any settlement upon that Island. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Barbados, 45. *pp.* 33–35.]

March 28. **265**. Order of King in Council. Copy of preceding Representation ordered to be sent to Mr. Secretary Vernon in order to his returning an answer to the Envoy of the Duke of Courland. *Signed*, John Povey. *Endorsed*, Recd. April 4, Read April 5, 1700. [*Board of Trade.* Barbados, 8. *No.* 41; and 45. *p.* 38.]

March 28. **266**. W. Popple to Josias Burchett. The Council of Trade and Plantations desire you to let them know the names of the men of war and their Commanders now attending or appointed to attend each of H.M. Plantations in America, with the rate and force of each ship. [*Board of Trade.* Plantations General, 35. *p.* 187.]

March 28. Whitehall. **267**. Council of Trade and Plantations to the King. In obedience to your Majesty's Order in Council, March 14, we humbly lay before your Majesty the draught of an order, or instrument of confirmation, to be passed in Council, of the agreement made between the Governments of New York and Connecticut, relating to their respective boundaries, together with letters for your Majesty's Royal Signature to the several Governors. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. *Annexed*,

267. i. Draft of a letter to the Governor of New York. We have confirmed an agreement of 1683, made between the Governments of New York and Connecticut, and a survey made in pursuance thereof for settling the boundaries, whereby the towns of Rye and Bedford are included within the Province of New York, etc. March 29, 1700.

267. ii. Draft of a letter to the Government of Connecticut, to the same effect.

267. iii. Copy of Instrument for confirming the agreement of 1683 relating to the boundaries between New York and Connecticut. (*See No.* 268.) [*Board of Trade.* New York, 54. *pp.* 121–131; and 44A. *Nos.* 35–38.]

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March 28. Kensington.

268. Order of King in Council. Boundaries between New York and Connecticut. Wheras at a Council held at Fort James in New York, Nov. 23, 1683, certain articles of agreement were concluded between Col. Thomas Dongan, then Governor of that Province and the Council, and Robert Treat, Governor of Connecticut, Major Nathaniel Gold, Capt. John Allyn, Secretary, and William Pitkin in commission with him from Connecticut, as follows :—" It is agreed that the bounds. meers or dividend between H.R.H. Province and Connecticut shall begin at Byram Brook or River, which is between the towns of Rye and Greenwich, at the mouth of said brock, where it falleth into the Sound at Lyon's Point, the eastward point of Byram River ; and from the said Point to go as the river runneth to the place where the common road or wading place over it is, and from that wading place to go north, north west into the country so far as will be eight English miles from Lyon's Point, and that a line of 12 miles being measured from Lyon's Point according to the general course of the Sound eastward, where the 12 miles end another line shall be run from the Sound eight miles into the country north, north west, and a fourth line from the north-most end of the eight mile line shall with the first mentioned line be the bounds, where they shall fall to run, and that from the eastward end of the fourth line, which is to be 12 miles in length, a line parallel to Hudson's River, in every place 20 miles distant from Hudson's River, shall be the bounds there, so far as Connecticut Colony doth extend northwards, that is to the south line of the Massachusetts Colony, only it is provided that, in case the line from Byram Brook's mouth N.N.W. eight miles and the line that is then to run 12 miles to the end of the third line of eight miles do take away land within 20 miles of Hudson's River, then so much shall be added out of Connecticut Bounds unto the line parallel to Hudson's River and 20 miles distant from it, the addition to be made the whole length of the parallel line in such breadth as will make up, quantity for quantity, what shall be diminished as aforesaid. That what arrearages are due from the Town of Rye to the Colony of Connecticut for former years and the present year's rate shall be paid to Connecticut. That two surveyors be appointed, one from New York and the other from Connecticut to run the before mentioned lines," etc. And that whereas an actual survey was made and reported by the Surveyors and Commissioners appointed (*Report quoted*, and *signed*, John Youngs, John Bell, Phillipp Wells, Robert Vorklain, Commissioners for New York. Nath. Gold, Jonathan Sileck, Danl. Sherman, John Hariman, Commissioners for Connecticut), in order to the terminating of the difference between the Province and Colony relating to the right of Government over the Towns of Rye and Bedford, lying on their borders, and to prevent all future dispute about the boundary, His Majesty is graciously pleased to approve and confirm the said agreement and survey. *Signed*, John Povey. 5¾ *pp. Endorsed*, Recd. Read April 5, 1700. [*Board of Trade.* New York, 9. *No.* 19 ; *and* 54. *pp.* 137, 138.]

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269. Memorandum of above. ¼ *p.* [*Board of Trade.* Proprieties, 5. *No.* 33.]

March 28. **270**. Order of King in Council. Letters to the Governors of New York and Connecticut, as to the confirmation of the agreement about the boundaries, are to be prepared as proposed. *Signed*, John Povey. *Endorsed*, Recd. April 10, Read April 11, 1700. [*Board of Trade.* New York, 9. *No.* 20; *and* 54. *pp.* 140, 141.]

271. Memorandum of above. ¼ *p.* [*Board of Trade.* Proprieties, 5. *No.* 34.]

March 28. Whitehall. **272**. William Popple to Sir Charles Hedges. The Lords Commissioners of Trade and Plantations desire your opinion upon the enclosed extract of a letter from the Earl of Bellomont (Oct. 20, 1699, about seamen's wages). [*Board of Trade.* New York, 54. *p.* 121.]

March 28. **273**. Minutes of Council of Massachusetts Bay. Ordered that Mr. Treasurer supply suitable goods for trade with the Indians, to the value of 300*l.*, if he think it necessary, but not under 200*l.*, to be put on board the *Province* galley, Capt. Cyprian Southack, now ordered eastward, the supply advised Nov. 28 having been prevented. Instructions for Capt. Southack relating to trade with the Indians advised.

3*l.* paid to Pelatiah Glover for riding post from Springfield to Boston on H.M. service.

8*l.* 7*s.* 2*d.* paid to Col. Nicholas Paige for subsistence of 26 soldiers by him lately conducted to Woodstock.

8*l.* paid to John Pride, master of the sloop *Daniel*, for transporting Scanbeovyt and other of the principal Eastern Indians with their Interpreter from Saco to Boston and back again.

Repairs and stores for H.M. Castle on Castle Island, near Boston, ordered. [*Board of Trade.* New England, 49. *pp.* 283, 284.]

March 29. Admiralty Office. **274**. J. Burchett to W. Popple. I send the names of the men of war now attending or appointed to attend H.M. Plantations in America. *Signed*, J. Burchett. ¾ *p. On back*,

274. i.

Rate.	*Ship's Name.*	*Commander*	*Guns.*	*Plantation.*
5	Fowy	Legg	28	Going to Jamaica.
6	Deal Castle	Doyley	22	
5	Ludlow	Lumley.	28	Barbados.
6	Margate	Billingsly.	22	Leeward Islands.
5	Arrundell	Crow	28	New England and New York.
6	Newport	Morrice	22	
6	Messenger Advice Boat	Code	4 guns 6 Patereros.	Maryland.

[*Board of Trade.* Plantations General, 5. *Nos.* 49, 49.i.; *and* 35. *p.* 192.]

March 29. Admiralty Office. **275**. J. Burchett to W. Popple. Besides the ships mentioned in my letter, H.M.S. *Shoreham* is ordered to Jamaica and thence to proceed to Virginia and attend on that Colony. She is a ship of the fifth rate and carries 28 guns. Her Commander's name is

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Passenger. She has been gone so long that I believe she is now on her Station. *Signed*, J. Burchett. *Endorsed*, Recd. March 30, Read April 4, 1700. ½ *p.* [*Board of Trade.* Plantations General, 5. *No.* 50.]

March 29. **276**. Minutes of Council of New York. On the Petition of Thomas Lawrence complaining of Content Titus, J.P. of Queen's County, the latter was summoned to appear before the Board.

Proclamation prohibiting the transportation of horses to Canada ordered. [*Board of Trade.* New York, 72. *p.* 299.]

April 1. **277**. Sir Charles Hedges to Mr. Popple. I have perused Lord Bellomont's letter relating to the *Hester*, condemned and sold at New York, but can give no opinion as to mariners' wages, unless it did appear for what cause she was condemned; for mariners loose their wages in many other cases besides that of piracy, and if my Lords Commissioners for Trade and Plantations think fit, it will be very proper to let the case be stated for the King's Advocates to give their opinion, because it may be appealed and come before me judicially. *Signed*, C. Hedges. *Endorsed*, Recd. 3rd, Read 4th April, 1700. 1 *p.* [*Board of Trade.* New York, 9. *No.* 21; *and* 54. *p.* 134.]

April 1. Philadelphia. **278**. William Markham to [? Mr. Secretary Vernon. *See* Nov. 30, 1699]. I received yours of Nov. 30, 1699, concerning pirates and their effects, which will be punctually observed. I doubt not but the information against me to those noble Lords by whom I was condemned were represented as heynously as my adversarys could, which occasioned their Lordships' severe blow upon me; and I as little doubt but if they had first ordered an enquiry into the charge, it would not have appeared so black as my enemies have set it forth. As to what was alleged, that I had not the King's approbation, when His Majesty restored the Government to the Proprietor. I was L.G. under Governor Fletcher, and when the Proprietor had proposed to the Queen and Privy Council to continue me Lieutenant or Deputy Governor under him, I had the honour to be accepted and approved of. His Grace the Duke of Leeds was then President. Having so great and honorable an approbation, I thought it sufficient, and kept in possession until the Proprietor's arrival. I shall not labour to be restored to the Deputation, but humbly petition that I may not continue under His Majesty's displeasure. I enclose a copy of what I writ to the Council of Trade and Plantations. *Signed*, Wm. Markham. 2 *pp.* [*Board of Trade.* Proprieties, 5. *No.* 35.]

April 3. Whitehall. **279**. Council of Trade and Plantations to the Earl of Jersey. We desire your Lordship to lay before His Majesty for his information and direction therein the enclosed extract of a letter from Lord Bellomont, wherein he desires the pardon of Lt. Col. Pierson. [*See* Cal. 1669. *No.* 343.] And the Earl of Bellomont having in another letter informed us that he thought it much for His Majesty's service that he

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might have a meeting with the Governors of Virginia and Maryland in order to the consulting about the general interest and concern of His Majesty's territories on that Continent, and that they had all of them agreed upon Philadelphia as the most proper place, but that he is confined by his instructions not to go out of the Provinces committed to his charge under penalty of forfeiting half his salary and perquisites for the time that he shall be absent, we desire your Lordship thereupon to offer to His Majesty our humble opinion that the meeting proposed by those Governors may be very useful, wherever they may think most convenient, and that if His Majesty be pleased to approve thereof, we may be ordered to signify His Majesty's pleasure to each of them, that they meet accordingly without incurring any forfeiture, because they are all of them under the same restraint. *Signed*, Lexington, Ph. Meadows, Wm. Blathwait, John Pollexfen, George Stepney. [*Board of Trade.* New York, 54. *pp.* 132, 133; *and* (*rough draft*), 44A. *No.* 39.]

April 3. Whitehall. **280.** Council of Trade and Plantations to the Earl of Jersey. In answer to your letter of March 26, we have prepared the enclosed draught of a letter for the Plantations. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Geo. Stepney. *Annexed*,

280. i. Draught of a letter for His Majesty's signature to the Governors of Barbados, Leeward Islands and Jamaica. The Royal African Company having represented that the Courts of Justice being so frequently adjourned, they are much hindered in the recovery of their just debts, and it being absolutely necessary that all obstructions in the course of justice be effectually removed, so that our subjects may enjoy the free use and benefit thereof in all our dominions in America, we hereby require you to take care in our island of , that the Courts of Justice there be duly and frequently held. [*Board of Trade.* Plantations General, 35. *p.* 191.]

281. Memorandum of above letter. [*Board of Trade.* Barbados, 45. *p.* 35.]

April 3. Fort William Henry. **282.** Minutes of Council of New York. Robert Walters was appointed a Justice of Supreme Court in place of Col. Cortlandt, sick, and took the oaths appointed.

April 5. Letters ordered to the Justices of the respective towns in Suffolk County, Nassau Island, to assure the Indians inhabiting therein of His Majesty's protection, so long as they demean themselves as they ought, and that the report spread contrary thereto is utterly false, and, for their further assurance, to order them to appear before the L.G. and Council within 10 days. 20*s.* ordered to be paid to John Miller for carrying said letters. [*Board of Trade.* New York, 72. *pp.* 305, 306.]

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April 3. Whitehall. **283.** Journal of Council of Trade and Plantations. Letters to the Earl of Jersey signed.

Draft of a letter to Lord Bellomont considered.

April 4. Letter from Sir Charles Hedges declining to give an opinion about seamen's wages (March 28) read. Ordered that the same question be proposed to Sir Thomas Pinfold, Advocate General.

Secretary ordered to give Sir E. Andros a certificate of the time when Col. Nicholson entered on the Government of Virginia, as he desired.

Reply from Mr. Burchett about ships of war in the Plantations read.

Representation upon Lord Bellomont's desire, Oct. 22, 1698, and May 18, 1699, that Mr. Robert Walters may be confirmed in the Council of New York, signed.

Further progress made with letter to Lord Bellomont. Ordered that Mr. Weaver be sent to, that he hasten to his employment at New York.

April 5. Letter from the Marquis de la Muee and M. Desailly, April 1, read. Their petition was immediately returned with answer that the petition ought to be laid before His Majesty by a Secretary of State.

Order of Council, March 28, about the boundaries between New York and Connecticut laid before the Board. Copies ordered to be prepared and despatched to the respective Governments.

Order of Council, March 28, about Tobago read.

Extract of Minutes of Council, March 14, about Jamaica Acts read.

Order of Council, Jan. 11, with petition of Dorothy Bishop read. Copies ordered to be sent to the Governor of Barbados to report upon.

Order of Council, Jan. 18, with petition of Mr. Allen read. Copy of Lord Bellomont's letter of Nov. 22, ordered to be sent to Mr. Burchett with request for the opinion of the Admiralty.

Draft of Representation about Rhoad Island agreed upon.

Letter from Mr. Randolph, Dec. 29, 1699, read.

Letter from Mr. John Graves, New Providence, Nov. 14, 1699, read. Secretary ordered to inform him that their Lordships are well pleased with the account he has given of the pirates condemned there.

Letter from the Governor and Council of Barbados, July 4, 1699, read. Abstract ordered to be submitted to the Lords of the Admiralty. Letter from Governor Grey, with enclosures, laid before the Board. [*Board of Trade.* Journal, 12. *pp.* 418–423; *and* 97. *Nos.* 60–62.]

April 4. Whitehall. **284.** William Popple to Sir Thomas Pinfold (Advocate General). The Lords Commissioners for Trade and Plantations desire your opinion upon the enclosed extracts from Lord Bellomont's letter (Oct. 20, 1699) relating to the wages of the seamen of the ship *Hester*, condemned at New York. [*Board of Trade.* New York, 54. *p.* 135.]

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April 4. Whitehall. **285.** Council of Trade and Plantations to the King. Recommending the confirmation of Robert Walters as a member of Council of New York. *Signed*, Lexington, Ph. Meadows, William Blathwait, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* New York, 54. *p.* 136.]

April 4. Kensington. **286.** Order of King in Council. Directing the preparation of a warrant for His Majesty's signature, requiring Lord Bellomont to confirm Robert Walters in the place of one of the members of H.M. Council of New York. *Signed*, John Povey. *Endorsed*, Reed. 19th, Read 24 July, 1700. ¾ *p.* [*Board of Trade.* New York, 9. *No.* 22; *and* 54. *pp.* 280, 281.]

April 4. Port of Annapolis. **287.** Minutes of Council of Maryland. His Excellency read H.M. Order in Council, Nov. 30. 1699, repealing the laws for the establishment of the Protestant religion, and for ascertaining the laws of this Province. The Council advised deferring the issue of a proclamation signifying the repeal of these laws, because (1) this was not a full Council, there being only three present: (2) the matter being of very great moment, it is absolutely necessary that the General Assembly, prorogued till 26th only, be consulted therein.

His Excellency asked the advice of the Council as to proroguing the General Assembly still further, seeing that he had no late commands from home. The Board advised that, no more ships being expected till October, the meeting of the General Assembly should not be deferred beyond the 26th. His Excellency announced that he found his predecessor, Col. Nicholson, had received the 3*d. per* hhd. given by His Majesty to the country for purchasing arms, but that he had resolved not to meddle in the matter, since the Receivers, George Plater and George Muschamp, were thereunto appointed. They were ordered in future to take care to receive it. His Excellency informed the Council that he had advanced 200*l.* to pay and subsist the Rangers on the falls of Potomack, who were in great want. He was informed by Mr. Heneage Robinson, an Indian trader, that the Emperor of Piscattaway and his Indians will come to town on Monday to treat with His Excellency and renew their articles of peace and amity. The Council left the whole management of the matter to His Excellency and the gentlemen of the Council next adjacent, advising withal that the Indians be told to come in and live upon their land here, and that, if they will give assurance of their fidelity, they carry some of the English along with them to Rock Creek to see their fort demolished there. John Danzey produced his commission from H.M. Customs to be Collector of Potomack, and William Bladen his commission to be Surveyor of the Port of Annapolis, and took the oaths appointed. [*Board of Trade.* Maryland, 13. *pp.* 682–688.]

April 5. Whitehall. **288.** William Popple to Mr. Burchett. I enclose copy of a letter from the Earl of Bellomont, Nov. 22 last. The Lords Commissioners of Trade and Plantations desire that my Lords

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of the Admiralty would let them know their opinion, how far the sending timber from Piscataway to Portugal may be fit to be allowed or discouraged, as well in reference to H.M. Navy Royal as to the shipping of England. [*Board of Trade.* New England, 37. *p.* 426.]

April 6. Whitehall. **289.** William Popple to John Graves, Collector of Customs in the Bahama Islands. My Lords Commissioners for Trade and Plantations have received your letter of Nov. 4 last with copies of trials of pirates. They are well pleased with your account, and desire you to continue the like accounts upon all occasions that you judge of importance for their information. [*Board of Trade.* Proprieties, 26. *p.* 183.]

April 6. **290.** Minutes of Council of Virginia. Ordered that the Sheriffs deliver the lists of the people, and Commanders in Chief of the Militia their muster-rolls to the Clerks of the Counties, who are to write two copies of them and send them to the Council Office.

Sheriffs appointed :—

Henrico County,	Francis Epes.
Charles City,	Littlebury Epes.
Surrey,	William Brown.
Isle of Wight,	Arthur Smith.
Nansemund,	George Nasworthy.
Princess Ann,	William Cornex.
Norfolk,	Richard Church.
Elizabeth City,	Walter Bayly.
Warwick,	Thomas Merry.
Yorke,	Henry Tyler.
James City,	Thomas Cowles.
New Kent,	Nicholas Meriweather.
King and Queen,	John Walker.
Gloucester,	James Ransone.
Middlesex,	Robert Dudley.
Essex,	James Baughan.
Richmond,	Samuel Peachy.
Lancaster,	William Ball.
Northumberland,	Hancock Lee.
Westmoreland,	Willowby Allerton.
Stafford.	Richard Fossaker.
Accomack,	George Nicholas Hack.
Northampton,	John Robins.

A Proclamation was signed for a solemn fast and day of humiliation and prayer for the delivering this colony from the great plague of caterpillars.

A Proclamation, proroguing the Assembly until Wednesday, July 31, signed. [*Board of Trade.* Virginia, 53. *pp.* 394–396.]

April 8. Whitehall. **291.** Council of Trade and Plantations to the King. We humbly crave leave to lay before your Majesty the substance of what the Earl of Bellomont has informed us upon the irregularities

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and misdemeanours of the Government of Rhode Island and Providence Plantation. *Summarises Bellomont's Report, Cal.* 1699. *No.* 1002. *Concludes*, We cannot but offer our humble opinion that your Attorney and Solicitor General be directed to consider what method may be most proper for bringing the said Colony under a better form of Government. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, George Stepney. [*Board of Trade.* Proprieties, 26. *pp.* 184–186.]

April 8. Whitehall. **292.** William Popple to Josias Burchet. The Lords Commissioners of Trade and Plantations have lately received a letter from the Governor and Council of Barbados, setting forth the want of an established credit there for supplying His Majesty's ships. Their Lordships having been frequently informed of the like inconveniencies in other Plantations, have demanded me to desire you to offer this matter to the consideration of the Lords Commissioners of the Admiralty. [*Board of Trade.* Barbados, 45. *pp.* 46, 47.]

April 8. Whitehall. **293.** Council of Trade and Plantations to the Governor and Council of Barbados. We enclose you a copy of H.M. Order in Council, Jan. 11, and of the petition of Mrs. Bishop that you may return us a true state of that matter. *Signed*, Stamford, Lexington, Ph. Meadows, Geo. Stepney, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill. [*Board of Trade.* Barbados, 45. *pp.* 47, 48.]

April 8. **294.** Minutes of Council of New York. Petition of Engelbert Lott, late High Sheriff of King's County, read, and referred to Col. Stephen Cortlandt and Ducie Hungerford.

Petition of Paull Richard read. Proclamation ordered for the discovery of the murderer of his daughter, Hester Lefort, wife of Marcus Lefort, and also a negro woman belonging to Richard.

Petition of Martinus Lamberse, read and referred to Lord Bellomont. Petition of Thomas Lawrence and Mr. Emott's motion relating to the case James Fullerton *v.* William Creed, referred till Friday. [*Board of Trade.* New York, 72. *pp.* 306, 307.]

April 8. Boston. **295.** Minutes of Council of Massachusetts Bay. Instructions for Mr. George Turfrey, appointed to command Fort Mary at Saco in the room of Capt. Hill, with reference to trade with the Indians, agreed to. Secretary ordered to write to Capt. Hill to give Mr. Turfrey directions as to the prices whereat goods are to be sold to the Indians and the rates to be given them for their peltry.

Committee appointed to enquire into the public stores of arms, etc., and to discourse Timothy Wadsworth, armourer, upon what terms he will keep the small arms fit for service. Treasurer ordered to send provisions for the company of soldiers newly posted at Wells, or to contract for their subsistence at 3*s.* per head per week. Also to dispose of the 50 barrels of powder lately purchased.

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Payment for 180*l.* for 40 barrels of powder ordered to Capt. Andrew Belcher, and of 43*l.* 10*s.* for 10 barrels to Peter Chardon.

Payment of 3*l.* 8*s.* for entertainment of several captives returned from the Indians, 1698, ordered to Edward Bedford of Boston, alehouse-keeper.

Various payments to officers granted by the Assembly, March 13, allowed.

100*l.* lent to Mr. Thomas Adkins, sen., of Boston.

Licence granted to Thaddeus Mackarty to erect a timber building, to be covered with rough-cast and roofed with slate, in Brattles Close in Boston, and to Robert Hannah to erect a similar building on the south side of King's Lane in Boston. Licence granted to Obadiah Read to make an additional building of timber unto his house at the north end of Boston, next to Francis Hudson's.

License granted to James Barnes to erect a timber building with slate or tyle roof and rough-east sides on a piece of land butting on Prison Lane.

His Excellency communicated to the Board a letter lately received from the Commissioners of Customs, June, 1699, enclosing an Act of Parliament passed on the 10th and 11th of the present reign. The Board desired His Excellency to cause the Act to be published and duly observed within his Government so far forth as it relates to tobacco in bulk. [*Board of Trade.* New England, 49. *pp.* 284–288.]

April 8. Whitehall. **296.** Journal of Council of Trade and Plantations. Letter to Mr. Burchett approved. Representation about Rhoad Island signed.

Letter from Sir W. Beeston, Jan. 5, read. Papers enclosed laid before the Board. Abstract of what Sir W. Beeston says about the conduct of the captains of H.M. ships in those parts to be made and communicated to the Lords of the Admiralty.

Letter to the Governor and Council of Barbados about Mr. Bishop signed.

Secretary ordered to write to the Agents of Barbados for an answer about the French Ambassador's memorial (Jan. 19) and to Mr. Hall, sub-Governor of the Royal African Company (Feb. 1).

April 9. Letter to Mr. Burchett approved.

Minutes of Council of Virginia, Dec. 9, 10, 12, 1698, being the time of Col. Nicholson's entering upon that Government, read.

Letter from Mr. Yard, Oct. 2, 1699, and Order of Council, Oct. 23, about stores of war in the Plantations read. The matter was considered. [*Board of Trade.* Journal, 12. *pp.* 424–426; *and* 97. *Nos.* 63, 64.]

April 8. **297.** Minutes of Council of Maryland. Col. James, on behalf of his Nation of Indians said that the Queen of Pamunkey had a good heart, presented her duty to His Excellency and desired to live in love and friendship with the English. He

1700. presented his hand to His Excellency in her behalf, which he received and returned. Col. James presented him with six beaver skins, and said the young men would be all of one heart with the English, provided they were not disturbed in their hunting. His Excellency replied that, upon their good behaviour, he would take care to have such persons as abused them punished as for abusing any of H.M. subjects. Col. James presented six other beaver skins from the Queen for his Excellency's servants. His Excellency bade the interpreter tell the Emperor of Piscattaway that he should have been glad to see him before now; however, he was glad to see him. He asked whether the Emperor or his Indians were under any fear or if anyone gave them ill impressions of any ill usage they might expect from him? The Emperor replied, nobody. He would have come before now, but the Indians His Excellency told to bid him come in deceived him and went to Nanjotticott. His Excellency said that we had not any design of advantage from them, but that the King desired they might be kindly used, and that it is most for their advantage to live quietly and easy among us. He said that several murthers had been committed of late and divers persons injured. They absolutely denied that they were guilty. His Excellency observed how they had shuffled, and broken their articles, so that it was but reasonable to suspect them. He expected they should be very punctual to what is now said and promised, or otherwise he will not further treat with them, but leave them to take their own measures. They said they would not do any prejudice to anybody that did not hurt them. His Excellency assured them that he would always have two ears, one for the English and one for the Indians. He told the Emperor if his Indians were refractory and he could not keep them within bounds, to send them to him, who has 20,000 men under his command, and he would punish them. The Emperor asked if he should come to live at Aecokick or Pamunkey. He was told, at whichever he liked best, and he would be well used, for His Excellency would take care the next Assembly to have an ordinance made for their ease, so that nobody should come to disturb them. For building his house, the Emperor was directed to apply to the Assembly. The Indians complained that the English cut their traps in pieces and hinder their hunting. His Excellency promised to prevent that. The Indians were told of their breach of Articles, and asked if they desired to enter into new ones. They said they did. It was agreed that the Emperor should, with his wife and children, within two months come in and live at Pamunkey, and do his utmost to persuade the rest of his Indians to do likewise. Articles of Peace, with this agreement inserted and in all other points as they were before, ordered to be prepared. Articles of Peace ordered to be prepared also for the Pamunkey Indians. His Excellency gave each of the Indians presents, and presents of greater value to Col. James for the Queen of Pamunkey, to the Emperor Ondanxon, King Peter, and others of greater note.

April 9. The Indians again met His Excellency, and the following Articles of Peace were agreed to and signed :—

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297. i. Between the Governor of Maryland and Oquotomaquah, Emperor of Piscataway. (*a*) If any Indian subject to the Emperor chance to kill an Englishman, the Emperor shall be obliged to deliver the Indian up prisoner to the Governor of Maryland. (*b*) Since the English cannot easily distinguish one Indian from another, no Indian shall come into any English Plantation painted, and that all Indians shall be bound to call aloud before they come within 300 paces of any Englishman's clear ground, and lay down their arms for any Englishman that shall appear upon their call to take up. In case that no one appear, he shall there leave his arms, if he come nearer, and calling aloud endeavour to give notice of his approach. If any Englishman kill any Indian so approaching, he shall die for it. In case the Indians and English meet accidentally in the woods, every Indian shall be bound immediately to throw down his arms upon call, or be deemed an enemy. (*c*) The privilege of crabbing, fowling, hunting and fishing shall be preserved to the Indians inviolably. (*d*) Every Indian that kills or steals any hog, calf or other beast or goods shall undergo the same punishment as an Englishman doth for the same offence. (*d*) In case any servants or slaves run away from their masters to any Indian town in Oquotomaquah's territory, the Indians shall be bound to apprehend them and bring them to the next English Plantation; any Indian who assists fugitives shall make their masters such compensation as an Englishman ought to do in the like case. (*e*) Oquotomaquah shall not make any new peace with our enemies nor any war without the Governor's consent. (*f*) If he or any of his subjects kill any Indian in peace and amity with His Majesty, it shall be esteemed as great an offence as killing an Englishman. (*g*) Neither he nor his subjects shall harbour any strange Indians, or discover any such to come within this Province without giving all possible and speedy notice to the Governor. (*h*) The Emperor shall pay tribute of an Indian bow and two arrows the first Tuesday in April every year. (*i*) As proof of his fidelity, the Emperor engages himself with his wife and children to come and live at Pamunkey within two months' time and will do his utmost endeavour to persuade all his Indians to come and live there likewise. *Signed*, N. Blakiston. Oquotomaquah, Emperor of Piscattaway. (His mark.)

Similar Articles of Peace concluded with Izmgoughsiowaugh, Queen of Pamunkey. *Signed*, N. Blakiston, Chixenehat, Col. James, (Their marks.) Plenipotentiaries of the Queen.

Ordered that upon the Indians coming in, Lt. Col. Smallwood supply them with ten barrels of corn, till the Assembly meets and others measures are taken. [*Board of Trade.* Maryland, 13. *pp.* 688–706.]

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April 9. Whitehall. **298**. Earl of Jersey to the Council of Trade and Plantations. His Majesty approves of what you propose (April 3) about the meeting of the Earl of Bellomont and the Governors of Virginia and Maryland, and would have you send them directions accordingly. He is pleased to allow Lord Bellomont to pardon Lt. Col. Pierson for having had in his custody some of the pirates' goods, provided he has delivered them all up. *Signed*, Jersey. *Endorsed*, Reed. Read April 10, 1700. 1 *p.* [*Board of Trade.* New York, 9. *No.* 23; *and* 54. *pp.* 139, 140.]

April 9. Whitehall. **299**. William Popple to Josiah Burchett, enclosing abstract of Governor Sir William Beeston's complaints, relating to Rear-Admiral Bembow's claim to power in the letter of Jan. 5, (*q.v.*), to be laid before the Lords Commissioners of the Admiralty. [*Board of Trade.* Jamaica, 57. *pp.* 39–41.]

April 10. Penselvania. **300**. Col. Quary to the Council of Trade and Plantations. Since my letter of March 10th, I have received intelligence of a sloop that came directly from Curesawe into this bay and brought a great quantity of European manufactory. I ordered her to be seized, and she is condemned. The goods were all landed and secured before I had intelligence, which is the misery of this place, and all for want of a small vessel. There are a parcel of ould pirates settled at a place called Hore Kills, just by the Capes, so that when any pirates come near this Bay, they send their boats ashore there, and get intelligence and supplies from these men. When Capt. Kidd was in this Bay, he sent his boat ashore every day and was supplied, and these men went constantly on board him, and brought ashore with them great quantities of East India goods. The whole intreague of this roguery hath all been lately discovered. Governor Penn hath been very active, not only in the discovery of this matter, but in committing them all to gaol, where they now are. He was pleased to advise with me about the trial of them. I am at a great loss how to proceed against them. The former Act was very full on this subject of confederating and dealing with pirates, but is repealed by the last Act I sent you, which bears date since these men committed the fact. I am in great hopes that before this the Parliament of England have past an Act that will answer our end. In the meantime the Governor resolves to keep them close prisoners, which will be of great consequence, for this being the time that we expect the pirates from Madagazer, especially two ships that belong to New York, there are now sloops waiting on purpose to unload their goods and convey away the pirates and their effects. I wish there were a small vessel here; I would not then doubt but to give your Lordships a good account of them. These ould pirates must be removed from the Hore-Kills. Governor Penn promises positively that he will root them out of their old habitation. *Signed*, Robt. Quary. *Holograph.* 3 *pp. Endorsed*, Reed. July 26, Read July 30, 1700. *Annexed*,

300. i. Abstract of preceding. 1¼ *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 36, 36.i.; *and* 26. *pp.* 288–290.]

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April 10. Philadelphia. **301.** Col. Quary to [? Mr. Secretary Vernon]. My last was by way of Boston, since which I have paid the balance of the pirates' effects that was in my hands to the Lieut. Gov. of New Yorke by Lord Bellomont's order, and have now sent your Honour the account stated with my deposition sworn before Gov. Penn and one of the Justices. I am sure that I have not omitted one single ryall, nor charged one article but what is just. It is impossible for me to tell you the pains and hazard I have undergone to serve His Majesty. Had Governor Penn been here to assist me, I might with much ease have taken all the pirates and their effects with the ship that brought them from Madegazer, and then I am sure you would not have thought much of the charge; however, my zeal, labour and hazard was the same. *Repeats part of substance of preceding. Signed*, Robt. Quary. *Endorsed*, R. 9 Aug., 1700. *Holograph.* 3 *pp.* [*Board of Trade.* Proprieties, 5. *No.* 37.]

April 10. **302.** Col. Codrington to William Popple. I have put in a memorial to my Lord Jersey, praying that since my accounts are at last adjusted, I may now have my final answer and necessary dispatches. I have signified to his Lordship that if a man-of-war is to be appointed for me, I shall be ready to go when it is, if it be thought more for the King's service to order the money for a ship, I can now provide myself with a good one, and whereas Governors of the Leeward Islands have been always allowed 500*l.* for that service, I desire to put no part of that money into my pocket. I request only 300*l.*, which upon enquiry will just pay the charges I shall be at in transportation. *Signed*, Chr. codrington. *Endorsed*, Reed. Read April 11, 1700. 1½ *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 59; *and* 46. *pp.* 38, 39.]

April 10. Bermuda. **303.** Mr. Spofferth to the Council of Trade and Plantations. Pursuant to Mr. Randolph's directions, I have sent the maps of Correseo (Curaçao) and this island. Mr. Randolph's report relating to Mr. Day is infallibly true, and his judgment of the importance of these islands sound, and touches the very soul of H.M. American interest. But as to his report of Mr. Thomas Burton, he falls much short of his true character, that fellow being chiefly the pest and catterpiller of these islands; he is the very tool and machine by which Mr. Day and others have acted their barbarous villainies, neither can anything be done here that makes a figure of mischief but he will be sure to have a hand in't; insomuch that he hath justly acquired the epithet of Bussey Burton, by which title he is now distinguished amongst us. *Signed*, Sam. Spofferth. *Endorsed*, Reed. June 7, Read June 11, 1700. *Addressed and sealed.* 1¼ *pp.* [*Board of Trade.* Bermuda, 4. *No.* 19; *and* 30. *pp.* 11, 12.]

April 10. **304.** Agents of Barbados to the Council of Trade and Plantations. We have received your letter of Jan. 19. We cannot give a full account of the matter referred to by the French

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Ambassador till we have it from Barbados, but according to our best information at present, if Frere be gone to Dominico, it is not with any design to settle there at present (whatsoever right the English have so to do), but only to fetch timber, as he hath done several times, and as hath been practised for many years, there being always a trade and correspondence between the people of Barbados and the Indians of Dominico. It is very probable the men to be employed did carry arms with them to defend them against the insults of pirates and the treacherys of the inhabitants. But whereas it is said in the memorial of the French Ambassador that, by the antient treaties between France and England, Dominico and Sta. Lucia were to be left to the savages without any other establishments, we know of no such treaties, nor do we know or believe that any English attempted to settle upon Sta. Lucia about 20 years since and were obliged to quit it upon that principle, nor that after the war of 1666, the Indians put themselves under the protection of France. But we know that some French were upon Sta. Lucia about 13 years since, and were obliged by Col. Stede to quit it as belonging to the King of England. We also know that soon after the war of 1666, Lord William Willoughby, Governor of all the Caribes, went to Dominico with an armed force to punish the Indian inhabitants for some injuries they had done the English, and that by a composition made with them all their chiefs did by a general consent submit, surrender and convey the said island to the King of England, which they did by an instrument in writing, sealed and delivered in the most solemn and authentic manner that those people are capable of, many of the principal persons within his Lordship's government being there present. One of the present Agents of Barbados was then Secretary to that noble lord and King's Attorney, and he can give some account of this affair. He was not with his lord in this voyage, being detained in the Barbados by the King's business, but can testify that upon his Lordship's return to Barbados he did hear him and those that had been with him speak often of the proceedings at Dominico, and did often see the said instrument, and had it some time in his custody. It was a large writing with abundance of seals to it, and as he remembers as many marks and Indians' names, and he believes his Lordship carried that writing with him when he went to England, which was soon after. He can also testify that by his Lord's order he wrote a narrative of this whole expedition to Dominico, partly from the journals that had been kept, and partly from his Lordship's informations and directions, which narrative was sent to the King and Council, *Signed*, Edw. Littleton, Wm. Bridges, Mel. Holder. *Endorsed*, Recd. Ap. 11, Read April 12, 1700. 2¼ *pp.* [*Board of Trade.* Barbados, 8, *No.* 44; *and* 45. *pp.* 48–50.]

April 10. Whitehall. **305.** William Popple to Wm. Bird, Esq., of Lincoln's Inn, The Lords Commissioners for Trade and Plantations desire you would please to assist the French Protestant Refugeiz, about to

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embark for Virginia, with your advice and a letter of recommendation to your father, in order to their settlement there. [*Board of Trade.* Virginia, 37. *pp.* 396, 397.]

April 10. Whitehall. **306.** Journal of Council of Trade and Plantations. Secretary ordered to write to Mr. Burchett to know the number of the pirates arrived with Kid, and their names.

Letter from Lord Jersey, April 9, read. Draught of a letter to Lord Bellomont thereupon finished. Draught of another letter to him relating to New England considered.

The Marquis de la Muce and M. Desailly announcing their departure for Virginia with a number of Protestant Refugiez, ordered that the Secretary write to Mr. Bird, of Lincoln's Inn, to desire him to assist them with advice and a letter of recommendation to his father in order to their settlement there.

Letter from Mr. Haynes, March 27, with proposals, read.

April 11. Order of Council, March 28, about boundaries of New York and Connecticut read.

Proposals of Mr. Haynes, etc., for bringing pitch, etc., considered. Some heads relating to that matter agreed upon and ordered to be sent to Mr. Haynes.

Letter to the Lord Bishop of London about the instruction of Indians (Nov. 29, 1699), signed.

Letter from Col. Codrington, April 10, read.

Draft of letter to Lord Bellomont about New England agreed upon. Lord Bellomont's letters about New Hampshire considered.

Letters to Governor Nicholson and Governor Blakiston signed.

April 12. Letter from Mr. Burchet, Ap. 11, read.

Memorial from Barbados Agents, April 10, about Dominico, read.

Letter from Mr. Perry, Secretary of the African Company, April 9, read. [*Board of Trade.* Journal, 12. *pp.* 427–430; *and* 97. *Nos.* 65–67.]

April 11. Whitehall. **307.** Council of Trade and Plantations to Governor the Earl of Bellomont. Letters sent August 21–February 16, and received, dated April 13–January 5, *enumerated*. *As to* NEW YORK:— We are glad to perceive by your letter of July 22 that the uneasiness you had been under in relation to the conduct of the Five Nations of Indians with the French of Canada was then over; and that you had found them in good humour and resolved to remain steady in our friendship. We doubt not therefore but you will be able to keep them so. As to the insinuation, which you say, August 24, had been made to them of your correspondence with the Governor of Canada in order to their ruin, though it be never so groundless, yet we think it advisable for preventing the ill effects of such reports and the growth of any humours amongst them to the prejudice of H.M. affairs, that you endeavour to have always some persons whom you can trust conversant amongst them, either about trade or upon any other pretence, who may be serviceable for that end, and have some

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small allowance for it out of the public money of the Province. And if anything can be procured from those of the Corporation for Evangelizing the Indians at Boston, as we desired in our letter of August 21 last, and which your Lordship has writ us you intended to endeavour, it may be of good use for this end. The most effectual thing to preserve those Indians in perfect friendship with us, would undoubtedly be, as you write, the building of some Forts in proper places on the frontiers, and the letting them see a force constantly maintained in the Province capable to defend ourselves and assist them upon all occasions. But we have formerly acquainted your Lordship with the reduction of the soldiers from 400 to 200 men, and Mr. Weaver and Mr. Champante will doubtless have sufficiently acquainted you with the difficulty they find in procuring even subsistence for them, though we have been always ready to give Mr. Weaver what assistance we could, as we shall henceforward do the like to Mr. Champante, and do believe our application to the Treasury was of some use in the payment last obtained of what was due for their subsistence March–Dec., 1699. As for what is due for their arrears till March, 1698–9, they are in the same case with all the rest of the land forces, who by an Act passed this Session are to be paid by debentures upon the forfeited estates in Ireland. As for the Forts, your Lordship does seem, May 3rd, to expect that a fund might be raised out of Col. Fletcher's debt to the Crown, towards the building of them; but in your letter of 15th May, we observe that by your departure from New York to Boston and the embezzlement of some accounts in the Assembly, by which that debt might have been stated, there was a stop put to it; wherefore we again desire your Lordship, though you should not yourself be returned to New York, to give strict orders to your L.G. and Council there to proceed in stating and auditing those accounts in the best manner and besides what may be raised thereby, you are to use your utmost endeavours with the Assembly to dispose them to provide for the repairing and erecting of fortifications in the places where you judge them to be most needful. As to the new trade, which you proposed, April 13th, to be set on foot with some Western Indians lying on the back of Maryland and Virginia, we have writ both to Col. Nicholson and Col. Blakiston about it, with our opinion that they will do well to promote the same, provided it do not interfere with the planting of tobacco, which in those provinces is to be preferred before all other things. We intend now to write to them again, upon occasion of what you inform us, October 20, of those Western Indians having killed five of our Seneca Indians, that they may use their endeavours to prevent any suchlike mischief for the future. But in the meanwhile, however that prove, we are very well satisfied with your Lordship's reasons for not complaining of that injury to the Governor of Canada. And as for your desire to have His Majesty's leave to meet those Governors at Philadelphia without forfeiting the half of your salary, etc., we are ordered to signify His Majesty's leave accordingly for your meeting them at any place agreed on. We are very

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sensible of the difficulties your Lordship has met with from the opposition of those men who find themselves uneasy by the alterations you have made in public offices, and by your conduct in respect to trade, grants of lands, etc., and of what has passed here of the like nature your agents will give you a full account, in which we assure you that nothing has been or shall be wanting on our parts in your Lordship's behalf.

We observe what you write, April 27 and May 15, about the conduct of those men in or relating to the Assembly; their opposition to the settling of the Revenue, and the assistance you found from others in that important service, and are therefore very well satisfied with your conduct in all that matter. The Acts you have sent us are yet with Mr. Solicitor General, so that we have not hitherto been able to lay our opinion upon any of them before His Majesty. Meanwhile, as the vacating of the extravagant grants of land has been done in pursuance of the Lords Justices' directions, we cannot but commend your Lordship's care therein and exhort you to continue the same in the next Assembly. And we conceive it will be also necessary that you endeavour, in any new Act of that kind, to have the rate of quitrents and other things relating to the grants of lands, which could not conveniently be put into the first, regulated and settled, as you propose in your letter of August 24. If the Assembly be absolutely averse to those regulations, some method must in the end be thought upon to do the thing here, but it would be much better that all this matter were settled there, and therefore at present we leave it to your care. We have considered all that you write concerning naval stores to be furnished from the Province of New York, and upon your desire that a copy of your letter of April 17 should be communicated to the Lords of the Admiralty, we sent them not only that, but also extracts of your letters of Aug. 24 and Oct. 20, which relate to the same subject. We are very sensible that your care and pains in getting informations, calculating thereupon and forming the scheme of methods and encouragements for carrying on that work have been very great, and should be glad to see that business put in execution. But as the charge of what you propose for the whole is too great to be undertaken without very good assurance of its answering the end arrived at, we desire your Lordship to make what essay you can with the men now there, according to your own proposal, October 20, and in this experiment also it will be very well that proof be made of the method which you mention in the same place for floating masts of the largest size down the great fall above Albany, and that computation be carefully made at what rates such great trees may be delivered on board at New York. And whereas you mention an ill custom in that Province of burning woods to clear the lands at less charge, which will be of ill consequence in regard to the production of naval stores, we think it not enough that you issue a proclamation against it, as you say you have done against the cutting of trees fit for masts for H.M. ships, but that you endeavour also to get an Act of Assembly past for the preventing of that mis-

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chief. We have considered what you write in your letters of May 13 and October 20 relating to Col. Depeyster's buying the ship *Fortune*, the mistake that led him into that bargain, and the Council buying the ship again since your absence from New York, for His Majesty's use, and reimbursing him the cost and charges that he had laid out upon her. We are of opinion that whether that happened by the ignorance of the Attorney General as a private lawyer or otherwise, the loss that Col. Depeyster was like to have suffered thereby ought not to have been thrown upon His Majesty. Wherefore your Lordship will do well for the future to take all possible care that no such irregularities be committed there in your absence. All that you writ us about pirates has been very useful, and we have accordingly laid before His Majesty divers representations of your Lordship's care in the taking of Kidd, Bradish, Gillam and others, with an account of Shelley and many other things of that nature, concerning all which matters His Majesty's directions have been sent you; and, as we doubt not of your continuing your endeavours for the suppression of piracy, so we hope, amongst others, to have some good account of the seizing of those pirates, which you say, July 22, were sheltred with a great deal of money in Nassau Island, though we are very sensible of the difficulty to do it in a place where they are so much favoured. His Majesty is pleased to allow your Lordship to pardon Col. Pierson (May 3), provided he has delivered up all the effects he had in his hands belonging to the said pirates. We are sensible by the many instances you have given us with relation to the ordinary course of justice, H.M. Revenue, trade, piracy and everything else, of the great want of some able lawyers, especially one for a Chief Justice and another for an Attorney General, in that Province. We send you copies of our Representation accordingly and the minutes of Council thereupon. Meanwhile, however, if you do find reason to believe that Col. Smith, the Chief Justice of that Province, be guilty of abetting pirates, your own prudence in making use of the powers of your Commission will be your best guide. As for Mr. Clarkson's insolence in striking Mr. Parmiter in the King's House, your Lordship has a sufficient authority to punish such crimes. As to the requiring of bonds for ships putting out to sea, that they will not go to Madagascar or other places where pirates frequent, we do conceive that where your Lordship is at liberty to give or refuse passes, and where you have cause of suspecting their being intended for such places, the best means to prevent it will be by forbearing to give such passes unto those who refuse to give such bonds.

As to the endenizing of foreigners (May 15 and January 5), we can add nothing to what you will find in the Order of Council on that subject, which we sent you, February 16 last. We will consider Widow Wandal's case (Aug. 24), whenever there may be occasion. Meanwhile, as your L.G. and Council made a very wrong step in refusing Alsop an appeal to His Majesty from your Lordship's judgment in that case, we commend your care in removing that obstruction. For His Majesty's ear is always

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open to justice, and there must be no stop laid in the course of it. We have proposed your query about seamen's wages, occasioned by the condemnation of the *Hester*, to H.M. Advocate General, and, when we receive his answer, shall acquaint you therewith. Though the observations made by Mr. Parmiter upon the Revenue Act (Oct. 20), are proper for our information, yet we cannot give any directions upon them. Your Lordship being upon the place is best capable to judge of their usefulness, and to get remedies for the defects in that Act by some additional and explanatory Bill, when the Assembly may sit again. But if the Assembly prove refractory, it may then perhaps be fit to think of providing some remedy by Act of Parliament here, and your Lordship in your own prudence will judge whether it may not be convenient in the meanwhile to tell them so.

As for the Colony of Connecticut having refused to submit to your Lordship's Admiralty power, we conceive that the Bill proposed to be passed there, though it were enacted will no ways effect (*sic*) that power. But besides what has been directed by His Majesty's forementioned letter relating to pirates, there is an Act now passed this session of Parliament here, for the suppression of piracy, which will be your guide in all those matters. We have upon your desire represented to His Majesty our opinion that Mr. Robert Walters may be confirmed in the place of a Councillor, but as for Mr. Ducie Hungerford, we find by your letter, Jan. 5, to the Commissioners of Customs that you have changed your opinion of him. Because of the many alterations that have been made in the Council of New York, and the reasons that you have often found to change your opinion of men, we think it would be very useful that you send us frequently lists both of names of the Councillors that are in place and of others fit to supply vacancies, with notes upon each name, either in confirmation of the opinion you may have formerly given us thereupon, or signifying the reason of your changing it.

As for ships of war to attend your Government, which you mention in several letters and more particularly, in that of Aug. 24, desire that they may be a fourth and fifth rate, we find after our applications therein, that no other than a fifth and sixth rate are thought proper for that service. We have lately laid before His Majesty a state of the controversy between New York and Connecticut about the towns of Rye and Bedford, and His Majesty having been pleased to approve of our opinion, we prepared an instrument confirming the Agreement made between those Governments in 1683 relating to their boundaries, one of which, with His Majesty's Royal Confirmation in Council, will be sent to you, and another to the Government of Connecticut, by the Earl of Jersey. We acquainted Mr. Weaver with your Lordship's complaint, October 24, of his too long stay in England, for which he excused himself for some time by the necessity of his soliciting the payment of the subsistence for the soldiers, but promised us to make all the despatch possible in order to his return to New York.

We writ you, August 21, that we supposed Mr. Livingston's

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case to have been settled at New York, but having since been attended by a solicitor in his behalf, we directed him to lay the same before His Majesty by a Secretary of State, which we conceive to be the proper method. We shall be glad to receive the account of the Militia in all your Governments, which you promise, January 5. What relates to New England, etc., we shall make the subject of another letter, and have only here to add our great satisfaction in your Lordship's care and application in the discharge of the Government, and shall be always ready to be assisting therein your Lordship by our advice and otherwise. Hoping that your Lordship has already surmounted the greatest difficulties. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, George Stepney. *P.S.*—Upon further consideration of what you write about the reversal of the judgment given by Col. Fletcher and the Council of New York in favour of Mr. Alsop against the widow Wandell, we cannot but observe that we do not know that it has been the practice anywhere in the Plantations for a succeeding Governor to reverse judgments given in that manner by his predecessor, and are apprehensive lest a precedent of this nature should prove of ill consequence. For the Governor and Council in each Plantation, being the Supreme Judicature, it would create endless doubts and perplexities amongst the inhabitants, if their judgments were liable to be reversed any otherwise than by appeal to His Majesty in Council, which being the established method for the relief of those that think themselves aggrieved in such cases, it ought to be observed accordingly. His Majesty's forementioned letters relating to the boundaries between New York and Connecticut are both of them enclosed, that you may take care the letter for the Government of Connecticut be sent to them by some sure conveyance. We have now received Sir Tho. Pinfold's answer to your query about seamen's wages, and therefore enclose it. [*Board of Trade.* New York, 54. *pp.* 142–165; *and* (*rough draft*), 44A. *No.* 40.]

April 11. Kensington. **308.** Order of King in Council, referring to the Council of Trade and Plantations the enclosed petition and representation for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. April 12th, Read April 16th, 1700. ¾ *p. Enclosed*,

308. i. Petition of Capt. Elias Haskett for His Majesty's approbation of a commission granted him by the Lords Proprietors of the Bahama Islands for the government of the said islands. Petitioner has been at Providence and many of the Bahama Islands several times, loaded his vessels thence, and is well acquainted with the trade there, and the manners and customs of the people. In reference to the said employment, petitioner has bought a ship and put himself to very great charge in providing things fit for the improvement of the islands, which stand in great need of a present Governor. *Signed*, Elias Haskett. *Copy.* 1½ *pp.*

308. ii. Representation from the Lords Proprietors of the Bahama Islands, certifying that they have granted

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above commission. *Signed*, Bathe, Berkeley, Craven, G. Carteret for the Lord Carteret, M. Ashley, Wm. Thornburgh for Sir Jno. Colleton, Bart. *Copy.* ¾ *p.* [*Board of Trade.* Proprieties, 5. *Nos.* 39, 39.i–ii; *and* 26. *pp.* 188–191.]

April 11. Kensington. **309.** Order of King in Council. Referring Representation of Council of Trade and Plantations to the Attorney and Solicitor General, who are to be attended with the papers relating to the misdemeanours of Rhode Island. *Signed*, Edward Southwell. *Endorsed*, Recd. Read April 15th, 1700. ½ *p.* [*Board of Trade.* Proprieties, 5. *No.* 38; *and* 26. *p.* 187.]

April 11. Admiralty Office. **310.** J. Burchett to W. Popple. I send, as desired, the names of the pirates brought home in H.M.S. *Advice* from New England with Capt. Kidd, being 32, including Kidd. *Addressed. Signed*, J. Burchett. *Endorsed*, Recd. April 11, Read April 12, 1700. 1 *p.* *On back*, 310. i. List of pirates:—

William Kidd.	Associates and Accomplices of William Kidd.
Edward Davis.	
James Kelley *alias* Gillam.	
Gabriel Loffe.	
Samuel Arris.	
Hugh Parratt.	
Robt. Lamley.	
Wm. Jenkins.	
Richd. Barleycorn.	
Jos. Palmer.	
Joseph Bradish.	Associates and Accomplices of Joseph Bradish.
Tee Witherel.	
Jno. Loyd.	
Thomas Davis.	
Robt. Knox.	
Thomas Dane.	
Cornelius Larkin.	
Thomas Read.	
Aylmer Clarke.	
Jno. Westby.	
Robt. Amsden.	
Robt. Mason.	
Jno. Peirce.	
Andw. Martin.	
Thomas Simpson.	
Rowland Martin.	
Willm. Griffin.	
James Vennen.	
Edwd. Hamm.	
Jno. Parrat.	
Thomas Edgehill.	
Thomas Hewes.	

[*Board of Trade.* New England, 10. *No.* 26; *and* 37. *pp.* 439, 440; *and* (*memorandum only*, ¼*p.*) Plantations General, 5. *No.* 52.]

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April 11. Whitehall. **311.** William Popple to Richard Haynes. The Council of Trade and Plantations command me to send the enclosed heads relating to the bringing of Naval Stores from H.M. Plantations. *Annexed,*

311. i. Proposals for the bringing in of Naval Stores from America. (i) Subscribers to be incorporated as the Governor and Company for bringing Naval Stores from H.M. Plantations, with power to use a common seal, plead and implead. (ii) There shall be a Governor, Deputy Governor and 24 assistants. (iii) No person shall subscribe less than 100*l.*; all persons paying 100*l.* shall have a vote, but none more than five votes. (iv) Persons residing in America may vote by proxy in London, no person here to be proxy for more than one person there. (v) The stock under writt to be employed in the making of pitch, tar and rosin and providing masts and ship's timber or deal boards, flax or hemp and transporting the same to England. (vi) The Company to be obliged to import from some of H.M. territories in America into England within two years after the passing of the charter, 100 last of pitch, 100 last of tar, 100 tuns of rozin, three ships each of 300 tuns loaden with masts and timber for building ships, and double the said quantities every year after, during the continuance of the charter. His Majesty to have the preemption of such goods. No subscriber to sell his shares within the five years from the passing of the charter, under penalty of forfeiture. The King reserves the power to dissolve the Company by six of his Privy Council, if the Company misuse their powers or neglect to import the naval stores mentioned. [*Board of Trade.* Plantations General, 35. *pp.* 195–197.]

April 11. Whitehall. **312.** Council of Trade and Plantations to Governor the Earl of Bellomont. This letter relates to the business of the Massachussets Bay and other neighbouring colonies. The dates of the letters received from you referring principally to them are July 8, 26, August 28, October 24, November 6, 18, 27, 29, 30. We refer to our letter of November 27 for our answer to a great part of what we find in these relating to pirates. Your care in seizing the persons and effects of Kidd, Gillam, etc., deserves great commendations, and it has been accordingly represented to His Majesty. But we can add nothing to the Orders that have been sent you thereupon. Letters have been writ to Barbados, the Leeward Islands and Jamaica, about Bourk and Bolton, and about pirates' goods carried by them or others to St. Thomas and Curaçao, but we see little likelihood of recovering anything from thence. Upon what you write about the *Fidelia*, we spoke with Mr. Charles Noden, one of the owners, but could not fix any criminal matter upon the owners, yet have reason to suspect that the ship was sent out upon an unlawful design.

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We communicated to the Treasury what you mention, Nov. 29, about pirates' goods in the hands of the Governor of Rhode Island and relating to the Dep. Collector there, and doubt not but you will receive from them the necessary orders. It is most reasonable that the owners of the *Adventure* should reimburse your Lordship the reward and other charges paid for taking Bradish or anything else relating to that matter, and we cannot doubt but they will do it accordingly. We observe what you write July 26 and August 28 about the want of a law in the Massachusetts Bay to punish pirates with death, and about the refusal of some of the members of that Council to pass an Act to the like effect as that of Jamaica, and we thereupon refer it to your Lordship's consideration, whether it may not be expedient in the next election of that Council to reject those who have shown themselves on that occasion so averse not only to that Act but even in general to the Laws of England. But as for that Act, it is no longer necessary that your Lordship insists upon the passing of it, since the Parliament, having in view the refractoriness of New England and other Plantations, have now past an Act for the suppression of piracy, which extends to all the Plantations and other foreign parts, by which those of New England may perceive that where the public good does suffer by their obstinacy, the proper remedies will be easily found here.

We have read your speech to the Assembly of the Massachussets Bay and commend your zeal in rendring that people sensible of the great blessings we and they enjoy by this happy Revolution, but we wish it had been done without any reflection upon His Majesty's Royal Progenitors, and desire your Lordship for the future to avoid such disadvantageous mention of them, lest, among other reasons, it should alienate the minds of that people from monarchy itself. We desire you will continue upon all occasions your endeavours to dispose the Assembly to provide for the building of forts, not only in the harbour of Boston, but in all other places where forts are necessary. And in reference to the remoter parts, we think they ought to be more especially moved to the rebuilding at least of the fort at Pemaquid, either in the same place it was formerly or near it, as may be most convenient. And to engage them the better in this, your Lordship may do well to represent to them that the Province of Main and other northern parts were annexed to the Government of the Massachusetts Bay for the maintaining of that fort, which is the security of that whole coast, and a necessary protection to the fishery there against interruptions given by the French, which they themselves complain of. They must therefore be prest as much as possible to that work, and at the same time to the peopling of the Province of Main, that so the fishery in those parts may be effectually carried on and improved.

Your Lordship was much in the right in the contest you say you had with the Council about the nomination of officers, and likewise in refusing to pass the Bill about Harvard College. As for the Act which they have passed for giving your Lordship

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1,000*l.*, and which you understand to be not an extraordinary present, but as part of the salary promised at your going over, it is yet with Mr. Solicitor General, together with the rest of the Acts of that Province, as are also those of New York and New Hampshire. But in the meanwhile we think it very ill done of them to leave the subsistence of a Governor so precarious. They are the only Colony depending immediately upon the King where there is not a fixed revenue for that purpose, and they may the better be pressed to that, as also to the building of a convenient house for the Governor's residence and providing for the necessary and incidental charges of the Government, (which might answer the expense your Lordship has been at in reference to Gillam, etc.) in this conjuncture, seeing it appears by your Speech that they are out of debt and cannot plead poverty.

We are very glad to find that the Eastern Indians had submitted and promised obedience to His Majesty. We hope you will be able to manage them so, either by fair means or otherwise, that they may be kept in good temper and order, and not commit such mischiefs as they have done formerly. But in order thereunto we think it highly necessary, in the first place, that the Council and Assembly be moved in the most effectual manner you possibly can to take care that justice be done them in the matter of their complaints mentioned in your letter, Oct. 24.

As to the rates of the ships of war to attend New York and New England, we refer to our other letter of this date, relating to the affairs of New York. As to what you writ, Oct. 24, about the convoy to Saltertudos in the winter, and Capt. Nicholls' causing the colours worn by Capt. Cary to be taken down, we writ to the Admiralty, and have understood from them that in the first point they have sent your Lordship full authority according to your own desire, and that in the second they have signified to you that they esteem Capt. Nicholls to have done nothing but according to his duty. We acquainted the Commissioners of Customs with what you write about the Naval Officers' fees both in New England and New York. We doubt not but they will have writ you about it. We told Mr. Brenton that your Lordship complained of his too long stay here, but his answer was that the occasion of his stay is for the determination of two appeals that he has brought from New England and laid before His Majesty in Council, which he thought of such importance that, if they and other such like appeals be not allowed, it cannot be expected that any right will be done there in cases relating to breaches of the Acts for Trade. In your letter of Nov. 18, you acquaint us with your having taken bonds, as we had desired, from the Governors of Connecticut and Rhode Island, for their observing the Acts of Trade, which we hope will be of benefit to fair trade, and we observe that you, not having been able to bring those two Colonies to an agreement about the Narraganset Country, had appointed them to send over Agents hither in order to a final determination thereof, which is a thing much to be desired, that the country may be settled in peace and quiet.

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We have considered your report upon the misdemeanours of the Government of Rhode Island, and thereupon laid before His Majesty a representation, whereof we send you a copy, and a copy of H.M. Order in Council upon it. As to the petition of some of the inhabitants of Rhode Island for a minister of the Church of England, we have recommended it to the Lord Bishop of London, as also what you write, November 29, about settling some Protestant ministers amongst the Indians both of New York and New England. The letter you received from the Lords Justices, about encouraging the officers of the Admiralty and Customs, was no other than one of the circular ones on that subject. We conclude this letter, as our former, with our great satisfaction in your Lordship's care and diligence in the discharge of your trust. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* New England, 37. *pp.* 428–438.]

April. 11. Whitehall. **313.** Council of Trade and Plantations to the Bishop of London. We enclose extract from Lord Bellomont's letter (Nov. 29, 1699) relating to the instruction of the Indians, that your Lordship may consider how so good a work may be most effectually promoted. *Signed*, Stamford, Lexington, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill. [*Board of Trade.* New England, 37. *pp.* 426, 427.]

April 11. Whitehall. **314.** Minutes of Council of Massachusetts Bay. By order of His Excellency the clause in the Act of Parliament referred to April 8 was publicly read and published at the Town-house in Boston. [*Board of Trade.* New England, 49. *p.* 288.]

April 12. Whitehall. **315.** Council of Trade and Plantations to Gov. Nicholson. We recommend the French Protestants to your favourable assistance in order to their intended settlement in Virginia. We writ you our thoughts, Jan. 4, upon the proposed new trade with some Western Indians, and, Lord Bellomont having since informed us that some of those Indians had killed and scalped five of the New York Indians called Senecas, we think it the more necessary that you use your endeavours in concert with the Governor of Maryland, to settle some trade or intercourse with them, in order to the preventing of any such like mischief. Lord Bellomont having desired us to procure His Majesty's leave that he may have a meeting with you and Col. Blakiston at Philadelphia, we have by H.M. Order signified to his Lordship and do the same now to you, that His Majesty is pleased to approve of your proposed meeting and gives leave accordingly that it shall be wherever you shall agree amongst yourselves. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, George Stepney. [*Board of Trade.* Virginia, 37. *pp.* 397, 398.]

April 12. Whitehall. **316.** Council of Trade and Plantations to Governor Blakiston. *Repeats directions,* mutatis mutandis, *given in preceding letter*

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about trade with the Western Indians. Signed as preceding. [*Board of Trade.* Maryland, 9. *pp.* 482, 483.]

April 12. Admiralty Office. **317.** Mr. Burchett to Mr. Popple. My Lords of the Admiralty having received from H.M. Principal Secretaries of State several pacquets sent from New England by my Lord Bellomont in H.M.S. *Adviee*, among which are some directed for the Lords of the Council for Trade and Plantations, and yourself, they desire that their Lordships will appoint some proper person to receive the said packets from them to-morrow morning, and I do believe it will be expected that the said packetts should be opened and read in their presenee, as the Secretary of State did theirs this morning, that if anything relates therein to Capt. Kidd the pirate, the same may remain here till such time as he shall be examined. *Signed*, J. Burchett. *Endorsed*, Reed. April 12, Read April 13, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 27; *and* 37. *pp.* 440, 441.]

April 12. New Providence. **318.** Gov. Read Elding to Mr. Secretary Vernon. I received your Instructions of June 18 relating to the Scots, which I shall put in execution. The Spaniards make it a common practice to make prize many vessels belonging to H.M. subjects. They encourage pirates to sieze English ships and receive them at Havanna, by which means we must expect that no vessel that comes through the gulf, which most part of the Jamaica ships doth, but will for the best part be taken. Esq. Randolph hath a deposition taken before me and will speak to that matter and others. *Signed*, Read Elding. *Post.*—The whole matter relating to the affair of Jon. Edwards, who left his brigantine and was brought into this harbour, I have given to Mr. Randolph, the most fitting person to give an impartial aecount. *Endorsed*, R. July 29, 1700. *Addressed* (*Sir James Vernon*) *and sealed.* 1 *p. Enclosed*,

318. i. Copy of above.

318. ii. Copy of deposition of Thomas Smith, Commander of the *Prudent Mary*. On Mareh 8, 1699 (1700), his ship was seized by pirates off Cuba, who were openly entertained by the Spaniards of the Havanna. $2\frac{1}{2}$ *pp.* [*Ameriea and West Indies.* Bahamas, 452. *Nos.* 63, 63. i., ii..]

April 13. Whitehall. **319.** Journal of Council of Trade and Plantations. Letter from Mr. Burchett, April 12th, read. Secretary ordered to go immediately to the Admiralty Office, open the packets referred to and leave whatever papers the Lords of the Admiralty think fit. [*Board of Trade.* Journal, 13. *p.* 1; *and* 97. *No.* 68.]

April 15. Bermuda. **320.** Governor Day to James Vernon. I lately transmitted vindication of my proceedings and now enclose a copy and send to wait on you Mr. Thomas Burton, Solicitor General, whom I find just, though he hath not wanted the envy, hatred and malice of many who have interrupted the peace of this Government.

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He well knows the transactions that have been here in several Governments. By him I transmit the Journals of Council and other papers and proofs heretofore sent. The Journal shows that on my first arrival I called the Council according to my Instructions, viz., William Peniston, Samuel Trott, William Outerbridge, Gilbert Nelson, Richard Peniston and John Tucker. William Peniston and Capt. John Tucker desired to be excused, the former on account of his age and the latter on account of business. It was several days before I could get a Council. On the advice of Nicholas Trott, who knew the country, I appointed Lt.-Col. Anthony White, Charles Walker and Capt. Thomas Harford to be of the Council, but I soon found that, as they had demeaned themselves in former Governments, so now they became insolent and continually opposed and affronted me. Mr. Walker and Mr. White came to my house and said that if the country might not choose their Treasurer, there should be no money raised, in spite of H.M. Instructions. Col. Goddard will attest they said the same to him before. Again they came to my house and told me they had sent 1,000*l.* to England and would spend every farthing of it, but that they would have a Bermudian for their Governor. Mr. Burton will attest that he heard Mr. Harford declare the same to me. With all the prudence and circumspection I could, I have endeavoured to act, and the first six months' things proceeded easy, until the restless and ambitious temper of these men broke out into such extravagance that I suspended them. About the same time Mr. Randolph arrived, whom I received with all courtesy and kindness, but, falling into the company of the said persons, he wrote his unjust and villainous letters against me. To punish which I took not upon myself, but imparted it to the Council, and upon examination he was committed to prison until delivered by due course of law, and upon trial at the Quarter Sessions he was fined 50*l.* to the King and to lie in prison till paid, where he remained until their Excellencies' Order arrived, and was immediately obeyed. But the Commissioners having refused me copies of the depositions taken by them, I am altogether uncapable to transmit my answer according to their Excellencies' Order. I immediately discharged the *Dolphin*, but Mr. Isaac Adderly makes no manner of progress to proceed on his voyage. I never seized her, but only demanded a reasonable salvage, for that by sending out of my boat I saved her from being totally lost. *Signed*, Sam. Day. 2¼ *pp. Endorsed*, R. June 1, 1700. *Addressed and sealed. Enclosed*,

320. i. Copy of letter of Jan. 29, *but dated* Feb. 10. 2½ *pp.* [*America and West Indies.* Bermuda, 477. *Nos.* 62, 62. i.].

April 15. Bermuda. **321.** Governor Day to the Council of Trade and Plantations. Repeats in substance above letter, adding :—I formerly gave your Lordships an account of the evil practice of clipping and defacing the current money and sent you an ounce of the clippings, since which Walter Turner, the person in whose custody it was

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found, was prosecuted, but he made such an interest that a bill was not found. He has lately with the advice of Mr. White and others entered his action against the Sheriff for taking the clippings in his custody. *Signed*, Sam Day. *Endorsed*, Recd. Read June 11, 1700. 3 *pp. Enclosed*,

321. i. Abstract of above. 1 *p.*

321. ii. Memorandum of Minutes of Council of Bermuda, Aug. 17, 1698–July 4, 1699. ¼ *p.*

321. iii. Memorandum of proceedings of Courts *re* sloops *St. George* and *Endeavour*, July 5, 1699, and Sep. 15, 1699. ¼ *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 20, 20.i.–iii. ; *and* 30. *pp.* 12–19.]

April 15. Bermuda. **322.** Secretary of Bermuda to the Council of Trade and Plantations. *Repeats substance of letter of Feb.* 13. *Concludes* :— Since Gov. Day made his protest about the depositions, I have been informed they have made several other affidavits against him, when I cannot perceive that he gives them any just cause for their being anywise uneasy under his conduct of the Government, for he seems to me to act with great prudence and candour and not to be the person they do render him. *Signed*, Ed. Jones. *Endorsed*, Recd. Read June 11, 1700. 1 *p. Addressed and sealed.* [*Board of Trade.* Bermuda, 4. *No.* 21 ; *and* 30. *pp.* 19, 20.]

April 15. **323.** Receipt given by Lt. Governor of New York for the treasure seized by Col. Markham as belonging to the pirate, Dr. Robert Bradenham, and also for the persons of Dr. Bradenham and David Evans. *Signed*, John Nanfan, New York, April 15, 1700. ¾ *p.* [*America and West Indies.* New York, 580. *No.* 25.]

April 16. **324.** Receipt given by the Lt. Governor of New York for treasure seized by Col. Quary, belonging to John Eldridge and Syon Arnold, pirates. *Signed*, John Nanfan, New York, April 16, 1700. ½ *p.* [*America and West Indies.* New York, 580. *No.* 26.]

April 15. **325.** Journal of Council of Trade and Plantations. The Secretary acquainted the Board that he had been to the Admiralty as directed (Ap. 13) and left there a letter from Lord Bellomont, dated March 16, and other papers relating to Kidd *etc.*, and brought away others which appeared to have no relation to pirates.

Order of Council, April 11th, read. Capt. Hasket acquainted the Board that he had given security to the Lords Proprietors of the Bahama Islands for his faithful discharge of the trust of Governor. He was directed to bring a copy of that bond, together with some persons of credit to testify of his fitness for that employment.

Order of Council, Ap. 11th, read. Ordered that a list of the papers relating to the irregularities in the Government of Rhoad Island be prepared, in order to the sending such as may be necessary to the Attorney and Solicitor General.

1700.

April 16. Representation to His Majesty, with the duplicate of an Act of Jamaica, 1696, the original having been defaced, was signed.

Minutes of Council of the Massachusets Bay, March 25, 1698–Aug. 24, 1699, read.

April 17. Letters to Lord Bellomont, April 11th, signed.

Letter from the Bishop of London, April 16, read.

Letter from Lord Bellomont, Feb. 28, read, and papers relating to it were laid before the Board. Those which related to the conspiracy on foot amongst the Indians against the English being read, letters were writ by the Board to the Lord President, Lord Privy Seal, Earl of Jersey and Mr. Secretary Vernon to desire the favour of their company at this Board on Friday next in order to advise what representations may be fit to be made to His Majesty in a matter of so great importance.

Mr. Secretary ordered to write to Mr. Sansom to borrow a large map, which the Commissioners of the Customs have of H.M. Plantations. [*Board of Trade.* Journal, 13. *pp.* 2–9; *and* 97. *Nos.* 69–71.]

April 15. James City. **326.** Minutes of Council of Virginia. Gawin Corbin's bond for a ship certified lost discharged.

Letters from the Earl of Bellomont and Lt. Col. George Mason, relating to the Indians, referred till the Indians come to town with their tribute.

Ordered that Lt. Col. George Mason, Commander-in-Chief of the Militia in Stafford County, send David Straugham and Giles Tillit, or other understanding persons, to the island where the Piscataway Indians lately lived in the head of Potowmeck River, to see whether they are now there, in what condition and how many, and to enquire whether any of them have lately been from that place and whether they have seen any strange Indians this winter or last fall; if they have, of what Nation and how many and whither they went. They are to give a particular account in writing of these enquiries to Lt. Col. Mason, who is immediately to transmit it to be laid before His Excellency.

His Excellency delivered to Capt. John Aldred, H.M.S. *Essex* prize, the Admiralty's orders for him to return to England, and directed him to inform the Council what things he wants and in what time he can be ready to sail.

Capt. Passenger, H.M.S. *Shoreham*, having laid his Instructions before His Excellency, and requiring nine men and a pilot, warrants ordered accordingly. Directions given to him by His Excellency with the advice of the Council as to cruizing, victualling, *etc.*

April 16. It being thought necessary to purchase a sloop to serve as a tender to H.M.S. *Shoreham*, Capt. Passenger was ordered to send his men to view the sloop, offered for 40*l.* by Mr. Joshua Broadbent, and to fit her out if found suitable, applying for necessaries to Major James Wilson and Capt. Samuel Bush, who are also to give Capt. Aldred credit and assistance for the careening and refitting of the *Essex* prize in Elizabeth River. Capt. Aldred ordered to make all dispatch and as soon as may

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be to prefix a day for his sailing, giving notice to the merchant ships accordingly that they may take advantage of his convoy.

Mr. Auditor directed to sell the *Providence* of Dublin, condemned as an illegal trader, to Mr. Eccles for the 100*l.* he offers, if no one gives more. [*Board of Trade.* Virginia, 53. *pp.* 405–411.]

April 16. Whitehall. **327.** Council of Trade and Plantations to the King, laying the duplicate of a defaced Act of Jamaica before His Majesty for approbation (*See Jan.* 5, 1699). *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Jamaica, 57. *pp.* 41, 42.]

April 16. Fulham. **328.** Bishop of London to Mr. Popple. Not knowing what title to give those worthy and noble persons as make up the Committee of Trade and Plantations, I entreat you to acquaint them that I have the honour of two informations from their hands. The first, relating to Rhode Island, I laid before His Majesty, who commanded me to let their Honours know that he would have them to lay before him what might be proper for him to do in that case, and he will give orders accordingly. As to the other matter, if I mistake not, the Lord Chancellor purposes to call the Trustees to an account. However, when I shall have known the King's pleasure, and how far his Lordship will proceed in the business, I shall, if there be occasion, give you a farther account. *Signed*, H. London. *Endorsed*, Recd. Read April 17, 1700. ¾ *p.* [*Board of Trade.* New England, 10. *No.* 28; *and* 37. *pp.* 441, 442; *and* Proprieties, 26. *p.* 192.]

329. Memorandum of above. ½ *p.* [*Board of Trade.* Proprieties, 5. *No.* 40.]

April 16. Boston. **330.** Minutes of Council of the Massachusetts Bay. Payment of 8*l.* ordered to Luke Hitchcock of Springfield, on behalf of Daniel Bagg and Jedadiah Dewey for their journey to Albany this April with expresses, and of 10*s.* on behalf of John Pynchon 3^{ms} for expenses in despatching the said express, and 2*l.* for his own service in riding post from Springfield.

Proclamation, for dissolving the Assembly, and issuing writs for holding an Assembly upon the last Wednesday in May next, ordered. His Excellency communicated to the Board intelligences he had lately received from Albany, of April 8, that upon the report of an insurrection intended to be made by the Indians, the Commissioners entrusted with the management of the Indian affairs had made strict enquiry and could find no ground for any such fears; and that the gentlemen instructed by His Excellency to visit the Castles of the Five Nations were set forward on their journey thither.

George Tohanto and Wattanuman, the Sachems of Pennicook, waited upon His Excellency and Council, to vindicate themselves against the false reports of their designing an insurrection. They assured His Excellency of their fidelity to His Majesty according to the articles they had lately subscribed, and in token

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presented a Belt of Wampum. A suitable present ordered to be made them in return.

The Council advised that His Excellency should discharge all the soldiers under His Majesty's pay posted at Woodstock and within the counties of Middlesex and Essex and one half of those in the county of York.

Licence granted to Thomas Gold, founder, to erect a building of timber, to be roofed with slate or tile and inclosed with rough-cast, by his house at the south end of Boston. [*Board of Trade.* New England, 49. *pp.* 288, 289.]

April 16. **331.** Minutes of Council of New York. Content Titus, J.P. for Queen's County, Island Nassau, appeared, and the petition of Thomas Lawrence against him, after being argued, was dismissed.

Mr. Lott's petition *v.* Ducie Hungerford was referred to Lord Bellomont.

William Creed ordered to file his errors within a fortnight, or that execution issue as the law directs.

The Lt. Governor and Council, attended by the Mayor and Aldermen of New York, proceeded to the publication, at the City Hall, of two Acts of Parliament, one for encouraging the woollen manufactures in England, and the other for raising some duties and lowering others.

April 17. Salaries and accounts paid. Two accounts of Hendrick Hansen, from Albany, referred to a Committee. Notice ordered to be given that the Excise will be farmed out. The Indian Sachems from Nassau Island appeared and said that they desired peace, amity and protection from H.M. Government, which they looked upon to be a mighty tree, under the benignity of whose shadow they could only hope to be safe. They presented a bunch of wampum to the Lt. Governor. They had not believed the report of His Majesty withdrawing his protection. The Lt. Governor assured them that it was untrue. They said that they were very well satisfied with his assurance, and promised, upon any further report of the like kind to give his Honour an immediate account thereof. The customary present of refreshment was ordered to be given to them.

April 18. The Attorney General's statement of the case of Engelbert Lott *v.* Ducie Hungerford approved of and referred to Lord Bellomont.

Petition of Michael Hawdon referred to a Committee.

Payment ordered to Hendrick Hansen for sundries delivered by him to the Indians, June–Sept.

Other Sachems of Nassau Island appeared and a conference was held with them similar to that of Ap. 17. [*Board of Trade.* New York, 72. *pp.* 307–312.]

April 17. **332.** Sir Thomas Pinfold to William Popple. I enclose my
Drs. Commons. opinion upon the case submitted to me in your letter of the 4th. I could not answer sooner, for the whole time I was in the country I was moving every day. *Signed*, Tho. Pinfold. *Endorsed*, Recd. Read April 19, 1700. ½ *p. Enclosed*,

1700.

332. i. Extract of Lord Bellomont's letter, Oct. 20, 1699, relating to seamen's wages. 1 *p. Inscribed on back.*

332. ii. Opinion on the case referred to. In case of forfeitures of ships trading contrary to law by the neglect of the master or owners, the mariners, being innocent, may have their action against them for their wages, but not against the ship. The *Hester* being condemned for delivering goods at Perth-Amboy without entering at New York, the mariners had no right of action against the ship to recover their wages. *Signed*, Tho. Pinfold, April 18, 1700. ¼ *p.* [*Board of Trade.* New York, 9. *Nos.* 24, 24.i., ii.; *and* (ii. *only*) 54. *p.* 195.]

April 17. London. **333.** Richard Haynes and others to William Popple. With regard to the proposals of your Board, April 11th, (No. 312. i.) we agree to the first four articles, and to the fifth so far that we be not obliged to go upon all the particulars at once, for some must be a work of time. As to the 6th, though we believe much more may be had, yet we will only oblige ourselves to produce 50 last pitch and 60 last tarr in the two first years, as much the third year, and annually during the charter make such a progression as may amount to 200 last pitch and 200 last tarr with as much rosin as we have encouragement to bring. As for the masts, timber etc. we decline, and indeed the whole, unless on a fixed price with the Government and not tied up to wait and attend the uncertain acceptance of preemption. As to the concluding proviso we cannot comply to more than we already offered, for no man will subscribe considerably and on any petulant complaint be in danger of having the Company's actions construed a misuse, whereby they shall be liable to a dissolution. If the danger suggested by stock-jobbing, restrained as in other Companies, be in their Lordships' opinion of more consequence than the good of this undertaking, we shall forbear attempting a public good, unless on better encouragement than an impending hazard of ruin. We were encouraged to this undertaking by some not accounted the meanest in the House of Commons. *Signed*, Thomas Byfeld, John Rolfe, Richard Haynes, Richard Martyn. *Endorsed*, Recd. 18th, Read 23rd April, 1700. 1¾ *pp.* [*Board of Trade.* Plantations General, 5. *No.* 53.]

April 16. Tuesday. [*Should be* Ap. 17th.] **334.** Minutes of Council of Barbados. Commission for Edmund Bedingfield to act as Secretary, dated Feb. 27, read and approved. Members of the new Assembly were sworn and subscribed the Test and Association. One member only was returned for St. Peter's.

April 17. Wednesday. [*Should be* Ap. 18]. His Majesty's letter, Nov. 10, concerning pirates etc., read and recommended to the Assembly that means may be found for making a strong gaol.

His Majesty's letter, Nov. 15, about the French etc. settling on Sta. Lucia, read. Committee appointed to prepare a letter to the Governor of Martimique and the French inhabitants upon Sta. Lucia, to require them to leave the said island, together with

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instructions to the Hon. Tobias Frere to take upon him the management of that affair.

Examinations of 10 pirates who surrendered themselves in the *Vine* Pinck, Thomas Warren, commander, and His Majesty's Proclamation Dec. 8, 1698, concerning them, read. The pirates were called up and His Excellency informed them if any of them wished to go to England, he would give them his certificate that they had surrendered themselves upon His Majesty's Proclamation, and that the rest should continue here till His Majesty's pleasure be known.

The Assembly announced that they had chosen the Hon. James Colleton Esq. for Speaker. [*Board of Trade.* Barbados, 65. *pp.* 501, 502.]

April 17. **335.** Minutes of Assembly of Barbados. Representatives returned :—

Parishes.	*Representatives.*
St. Michael's,	George Peers, William Heysham.
Christchurch,	Daniel Hooper, Philip Kirton.
St. Philip,	William Fortescue, Enoch Gritton.
St. George,	Richard Downes, Miles Toppin.
St. John,	The Hon. James Colleton, Col. John Lesslye.
St. Joseph,	John Holder, jun., George Forster.
St. Andrew,	The Hon. John Holder, Rober (*sic*) Morris.
St. Lucy,	Thomas Maycock, William Terrell.
St. Peter's and All Saints,	Major Samuel Maynard.
St. Thomas,	The Hon. Thos. Sadleir, Jonathan Downes.
St. James,	Col. Abel Alleyne, William Holder.

James Colleton chosen Speaker, Richard Reuolin, Clerk, William Woodhouse, Marshall.

April 18. (*See preceding abstract under Ap.* 16 *and* 17.)

Petition of William Battyn against Richard Downes for violating the freedom of elections read. Evidence summoned. Petition of Alexander Walker to be admitted a member, as having been elected by the majority of votes in St. Peter's, read. Evidence summoned. [*Board of Trade.* Barbados, 65. *pp.* 555–558.]

April 18. Kensington. **336.** Order of King in Council referring enclosed petition to the Council of Trade and Plantations for their report thereon. *Signed*, Edward Southwell. *Endorsed*, Recd. April 19, Read April 23, 1700. ¾ *p. Enclosed,*

336. i. Petition of William Crouch, Joseph Tatem, Henry Phillips and other merchants of the City of London. Petitioners have for several years past shipt from this kingdom to New England considerable quantities of woollen and other commodities of the manufacture of this kingdom, and have by their agents there had the produce thereof remitted from New England to Spain and Portugal in pipe-staves, deal boards, and timber,

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the produce of which has been remitted to this kingdom in silver, wine, oil, fruit, etc. But of late their agents in New England have by Governor the Earl of Bellamont been forbid from making returns in the said commodities from New England to Spain and Portugal, by which means petitioners are debarred from carrying on their trade with New England, having for the most part no other way of returns for the commodities sent thither. Their ship, the *Mary*, is not permitted to proceed on her voyage from New England. Petitioners have never shipped any timber from New England fitting for His Majesty's service. They pray that they may not be further debarred of their trade, and that the *Mary* may be suffered to proceed. *Copy.* 1½ *pp.* [*Board of Trade.* New England, 10. *Nos.* 29, 29.i.; *and* 38. *pp.* 3–6.]

April 18. **337.** William Popple to Mr. Burchett. The Lords Commissioners for Trade and Plantations command me to send you the enclosed extract from Lord Bellomont's letter, Oct. 25, 1699, (*Mr. Bridger's account*), and desire the Lords Commissioners of the Admiralty would please that you may signify to me their opinion upon what I writ you the 5th inst. about sending timber from Piscataway to Portugal, as likewise the opinion of the Navy Board upon the several specimens of Naval Stores that have lately been received from New England, in case any further survey have been made of those stores and report thereupon, besides what you sent me in yours of Feb. 12. [*Board of Trade.* New England, 37. *p.* 468.]

April 18. **338.** Copy of bond of 2,000*l.* given by Capt. Haskett to John, Earl of Bathe for the due discharge of his trust as Governor of the Bahama Islands. *Signed*, E. Haskett, Robt. Nasmith, Josias Dickens. *Endorsed*, Recd. Read April 23rd, 1700. 1 *p.* [*Board of Trade.* Proprieties, 5. *No.* 41.]

April 18. Kensington. **339.** Order of King in Council, referring enclosed petition to the Council of Trade and Plantations. *Signed*, Edward Southwell. *Endorsed*, Recd. Read April 29, 1700. *Enclosed*,

339. i. Petition of Capt. George Brook. Encouraged by Charles II., petitioner bought a troop of horse in the Duke of Ormonde's regiment in Ireland, but under James II. was broke as being a Protestant, and afterward served under the Duke of Schonburg. On account of his losses and sufferings in the late reign, prays for the Government of the Barmoodus. *Copy.* 1 *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 22, 22. i.; *and* 29. *pp.* 280–282.]

April 18. Whitehall. **340.** Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. It being requisite, upon the late change in the Commission of this Board, that a new establishment

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be made, we take this occasion to offer that the salary appointed by the old establishment for our Deputy Secretary or Chief Clerk is but half the sum that was at first proposed by this Board for one in that employment, and has been always esteemed so much less than what Mr. William Popple, junior, does very well deserve, etc. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Miscellanies, 11. *pp.* 82, 83.]

April 18. Whitehall. **341.** Journal of Council of Trade and Plantations. Postscript added to the letter to Lord Bellomont, April 11.

Answer to Lord Bellomont's letter relating to New Hampshire ordered. Paragraph from his letter, October 25th last, ordered to be sent to the Admiralty. Opinion of the Naval Board upon the specimens of Naval Stores lately received from New England ordered to be desired, together with an answer to the Secretary's letter of April 5th about exporting timber.

Letter from the Board to the Treasury, relating to a new Establishment for this Commission, signed.

April 19. *Present* :—Lord President, Earl of Bridgwater, Earl of Stamford, Earl of Jersey, Lord Lexington, Mr. Sec. Vernon, Sir Philip Meadows, Mr. Blathwayt, Mr. Pollexfen, Mr. Hill. Letter from Sir Thomas Pinfold read. Copy ordered to be sent to Lord Bellomont.

Draught of a letter to Lord Bellomont about New Hampshire was agreed upon.

Lord Bellomont's letter, Feb. 28, relating to the conspiracy of the Indians, considered. Mr. Secretary Vernon acquainting the Board with what had been writ by the French King to the Governor of Canada, March 25, and by His Majesty to the Earl of Bellomont, April 4, 1699, relating to the Indians in those parts, their Lordships gave directions for drawing a Representation to be laid before His Majesty upon that matter. [*Board of Trade.* Journal, 13. *pp.* 9–11 ; *and* 97. *Nos.* 72, 73.]

April 19. Whitehall. **342.** Council of Trade and Plantations to Governor the Earl of Bellomont. This is in answer to yours of Sept. 9, Oct. 25 and Nov. 22 about New Hampshire. We have taken notice of your care in the disputes about the Government between Mr. Usher and others, and do not doubt but you will proceed in the best manner towards the quieting those differences, and that, whatever may happen, your Lordship will see that the King's authority be not trampled upon, either there or anywhere else in the Provinces under your Government. Upon all that you write us concerning Mr. Allen, we can only direct that you take care that there be no obstruction of justice nor partiality in any proceedings between him and his adversaries, but that he have all assistance in any reasonable and just claim that can be given him by law. As to the waste committed in the woods, concerning which you have written to the Treasury, we must at present refer you to their answer, but as that matter has lately been referred by His Majesty to our consideration, we shall make

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what despatch we can in reporting upon it and then acquaint you with what may be further necessary, not doubting in the meanwhile your Lordship will use your utmost care for the preventing of such waste. Your Lordship has done very well in looking so far as you could into the proceedings of the Commissioners for inspecting the woods of that country, and sending home specimens of Naval Stores, and we have sent to the Admiralty an extract from your letter, Oct. 25. We have received from them a copy of the report of officers appointed to survey the stores lately brought from New England, with a letter from the Navy Board to the Admiralty upon that subject; both which we send you, and when we knew what further steps are made therein, either by the Navy Board or otherwise, we shall acquaint you. We wish you had explained to us the mistery you mention relating to the furnishing His Majesty with masts, because a new contract has lately been made with one Mr. Wallis, but however the sooner it be yet done, it will be the better; for if we have any memorials put into our hands for His Majesty's service, we shall be always careful, as much as in us lies, that they be made use of in fit opportunities. In reporting, as we have before hinted, about the preventing of waste in the woods of that country, we shall have occasion also to consider what you write about the exporting of timber from thence to Portugal, and then give you the necessary informations. Meanwhile, we think you will do well to discourage that practice as much as possibly you can without engaging in any violation of the law, and above all Mr. Partridge ought to be very much blamed for his concern in that trade, both as he bears the character of a Governor, who ought not to trade, and as a purveyor of Naval Stores for the King, who ought, therefore, more especially to be careful of avoiding everything that tends to His Majesty's and this kingdom's prejudice in that respect.

You are much to be commended for the enquiries you are making upon every occasion into all things relating to Naval Stores, as now the price of tar, and the use of turpentine mixed with brimstone, mentioned in your letter, Oct. 25, concerning which last experiment, as you get more light into it, we shall be glad to receive further information. But as for the main scheme of producing Naval Stores in the Province of New York by the labour of the soldiers there, though His Majesty be very desirous that the production of Naval Stores in the Plantations be some way or other effectually prosecuted, we can add nothing to what we have already writ you in our letter relating to the affairs of that Province, until some real experiment be made, though but in small quantities, by which calculations may be made with certainty, and solid grounds laid for the undertaking of it. The papers that you have sent us relating to the difference between Mr. Montains and Mr. Sheaf about the *Hopewell* shall be considered. We wonder the Government of the Massachusets Bay should take so little care of their own safety as you express in your letter of Sept. 9, with relation to the Eastern Indians, but can say nothing more than that you still press them, and

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especially by the argument of self-interest and preservation, to do what is necessary. If they do not, their obstinacy, as we have hinted in our letter about the affairs of that Province, may probably oblige the Parliament of England to provide fitting remedies.

The Acts you have sent us of New Hampshire lye yet, as those of your other Governments, with Mr. Solicitor General; when they come to us you may be assured of our inclination and readiness to report favourably to His Majesty upon those wherein you are concerned. But as for the laws of that Province in general, they seem to us by the copies that we have to be in so great disorder, that we are not able to lay any opinion upon the whole before His Majesty for his approbation or disallowance. We therefore desire you to send us a complete collection of all the Laws in force there under the public seal of the Province, that we may consider them and report thereupon as shall be necessary. *Signed*, Stamford, Lexington, Phil. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* New England, 37. *pp.* 469–475.]

April 19. Admiralty Office. **343.** J. Burchett to W. Popple. My Lords of the Admiralty have considered your letters of yesterday's date and the 5th instant, and therein advised with the Navy Board. It is their opinion the inhabitants of Piscataway ought to be restrained from cutting and transporting to any place whatever but His Majesty's dominions and more especially this kingdom, any trees whatever that now are or may be fit for masts for vessels of H.M. Royal Navy; but as for other timber it has been represented to their Lordships that by the specimens sent thereof hither, it does not appear fit for His Majesty's service; concerning which specimens there has not any report been made or survey taken more than what I transmitted Feb. 12. As to what my Lord Bellomont writes touching the extravagant charge the Purveyors have put His Majesty to in New England, they being sent for home, their accounts will be strictly enquired into. *Signed*, J. Burchett. *Endorsed*, Recd. April 19, Read April 23, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 30; *and* 38. *pp.* 1, 2.]

April 19. **344.** Minutes of Council of Virginia. Michael Cole, master of the *Friends' Adventure*, petitioning that, being bound from London to North Carolina, with a design to load with tobacco for London again, and having bought some skins, furs, logwood and rice in S. Carolina, and, since he was unable to get into N. Carolina by reason of a sandbank washed up at the going in thereof, having come into James River and fearing the worms might get into his skins, etc., he might be allowed to ship them, and the logwood and rice on some ship bound directly for London, without paying further duty than that already paid at S. Carolina, upon the advice of the Attorney General was given leave to ship the logwood and rice so, but not the skins.

Nicholas Thomas Jones, master of the *Ronoak-Merchant*,

1700.

was permitted to sell his cargo of Indian corn, shipped from N. Carolina for Maryland, to one bound for Bermoodus. [*Board of Trade.* Virginia, 53. *pp.* 412, 413.]

April 20. Boston. **345.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I gave your Lordships an account, Feb. 28, by the *Advice* frigate, of the alarm the country were in of a general insurrection of the Indians. In my letter of March 6 by the said *Advice* frigate I also acquainted you that the Council advised my letting the General Assembly meet the 13th of last moneth, to provide against all attempts of the Indians. I complied. The discourse I made the Assembly goes. The laws we passed are No. 2. We sat but nine days and passed 12 Acts, which was such a dispatch as was never known in this Province. I remembered your commands, Feb. 3, 1699, to avoid as much as possibly we could the passing of temporary laws, and renewing them from time to time, a fault you observe the Assembly of this Province are much addicted to. Most of the laws we passed this last session being military ones, we were willing to follow the example of the Parliament of England in making them to cease after a year, and therein I believe you will not blame us. I confess I was in my judgment for those laws being made temporary for the same reasons I was so in the Parliament of England. Yet there is one of the military laws, against deserters, which we have made perpetual, because there is no hazard in it, for it cannot operate but in time of alarm or actual war, when forces are raised. The 8th, 9th and 10th Acts as they stand in the Book of Laws now sent are also made perpetual. The 11th and last of the public Acts is intended a probationary law, and is made to have continuance for three years only. The Assembly were not willing to make it perpetual till they should first make an experiment how well it would answer. March 14 I issued a Proclamation for undeceiving the Indians and quieting their minds under the terror and apprehension they were made to have of the King's ordering them to be disarmed and cut off, and also requiring the English in the country to carry it towards them with kindness and moderation. I sent this Proclamation to all parts of this Province by expresses, even as far as Casco Bay, where I understood there was got together a number of Eastern Indians; and those people pretended to receive great satisfaction from it. But whether the sudden march of the forces I ordered to the frontier towns did not operate more effectually, is a question. I send Proclamations for a General Fast and for dissolving the Assembly. Nobody here doubts but the Indians within this Province, Conecticut Colony and those called Eastern Indians intended an insurrection against the English, and if the Five Nations were not concerned in the design, which I shall shortly know, tho' at present I do not, there is good reason for suspecting the Shaethook or River Indians, who are a distinct nation from the other five, and live at the head of Hudson's River, above Albany. I have had a great many accounts from several hands of the Indians designing mischief to us. I transmit the most

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material, including further information of Mr. Sabin, which, among other things, confirms me in the opinion of the Indians being stirred up by the Governor of Canada and his Jesuits. Mr. Dwight's letter also goes; he is Minister of Woodstock, bordering on Conecticut. Because Col. Schuÿler's letter, Feb. 1 (a copy whereof I sent you, Feb. 28) assured me the Five Nations were quiet and satisfied, I was not so expeditious in sending to Albany to inquire after those Indians, as otherwise I should have been, yet I thought it proper to write to the Commissioners at Albany for the Indian affairs, directing their sending three of them, Col. Schuÿler, Mr. Livingston and Mr. Hanson, on a message from me to the Five Nations, and giving them my instructions for their negotiations. I hope this message will have a good effect for keeping the Indians steddy in their obedience to the King, till your Lordships direct me to do such things for their encouragement as I have formerly proposed. I enclose the reply of the Commissioners and the examination of three Indian Sachems taken at Albany. The Commissioners and Mr. Livingston express a jealousy of the French missionaries tampering with our Five Nations. 'Tis but too apparent we are in a probable way of loosing them; and the King seems to slight the Indians too much when, instead of taking measures to secure their affection and obedience, by protecting them from the French, the few ragged soldiers are to be reduced and the miserable wooden forts suffered to fall with meer rotteness.

I pretend to be able to demonstrate that if the Five Nations should at any time, in conjunction with the Eastern Indians and those that live within these Plantations, revolt from the English to the French, they would in a short time drive us quite out of this Continent. For their way of fight is not to come hand to hand, but they lie sculking in the woods behind bushes and flat on their bellies, and if those they shoot at drop, then they scalp them, but if they perceive they have missed their shot, they run away without being so much as seen, and 'tis to as much purpose to pursue 'em in the thick woods as to pursue birds that are on the wing. They laugh at the English and French for exposing their bodies in fight, and call 'em fools. At my first coming hither, I used to ridicule the people here for suffering 3 or 400 Indians to cut off five times their number, but I was soon convinced it was not altogether want of courage in the English that gave the advantage to the Indians this last war, but chiefly the Indians' manner of birding, as I may call it, the English and using the advantage of the woods. Yet the Government were faulty too; they did not push the war vigorously enough, which gave the Indians boldness and discouraged the English. Another misconduct was that, upon every slight application of the relations of those men that were out upon service against the Indians, the Government yielded to their coming home, and raw men were sent in their places, who, by being unacquainted with the Indian way of fighting, contracted such a dread of 'em that they often proved cowardly. If there should be a general defection of the Indians, the English in a

1700.

moneth's time would be forced on all the continent of America to take refuge in their towns, where I am most certain they could not subsist two moneths, for the Indians would not leave 'em any sort of cattle or corn. Mr. Sabin's informations are worth your Lordships' observation. There is something in his last that looks as if the Indians, or the French and they, had in their thoughts what I have been now saying is my apprehension. Mr. Sabin seems to be a sober, discreet man, and I cannot believe he would be at the pains to come two journies of a 150 miles each to tell me an untruth. Your Lordships know the value of these Plantations to England, though I am confident 'tis what is known but by few besides. I am every day more and more sensible of it, and 'tis great pity the king is not made to have a right notion of their usefulness and advantage to the Crown. I reckon the French have been and still are with indefatigable pains undermining the interest of England on all this Continent. I believe you will be of opinion these Plantations are not in a certain state of security at this time: how then comes the king to be so ill-advised to order the breaking, or at least reducing, two of the four companies at New York, and that they are no better paid than if the Government were in no concern what became of the Province or people? Yet I will be bold to say that, should these Plantations be lost by neglect, it would be an irreparable loss to England, and would tarnish all the great things the King has done for the nation. What return I have to the messages I have sent to the Five Nations, I will communicate by the first opportunity. The persons that I employed expected to be a moneth abroad in performing that journey. I drew the letter and instructions with my own hand, because I would omit nothing that I thought necessary for them to do and me to know. *Signed*, Bellomont. I had like to forget a Bill sent up by the House of Representatives for mine and the Council's passing, an Act in addition to the Act against piracy, etc. It was intended to make piracy punishable with death, and to patch up their present law, which your Lordships know will not touch the life of a pirate. But I told the Council I would by no means give the assent to any Bill of that nature, till I knew the King's pleasure upon the miscarriage of the Bill, which your Lordships sent with me, entituled, An Act for restraining and punishing Privateers and Pirates, which the Council refused formerly. *Endorsed*, Read. June 27, Read July 2, 1700. *Holograph*. 4*pp*. *Enclosed*,

345. i. Abstract of above. 1½ *pp*.

345. ii. Speech of His Excellency the Earl of Bellomont to the Council and Assembly, Boston, March 13, 1699 (1700), recommending that measures be taken against the threatened insurrection of Indians. *Copy. Printed by Bartholomew Green and John Allen, Boston.* 1 *p*. *Endorsed*, Read. June 27, Read July 2, 1700.

345. iii. Memorandum of Acts of the Massachusetts Bay passed at an Assembly held March 13, $\frac{1699}{1700}$. ½ *p*.

1700.

345. iv. Proclamation, calling upon the inhabitants of Massachusetts Bay to undeceive the Indians, who have been falsely taught that His Majesty had withdrawn his protection from them and designed to cut off and utterly extirpate them; and requiring them to avoid giving the Indians any just provocation, but in the meantime to watch them carefully. *Signed*, Bellomont. Boston, March 14, 1699 (1700). *Printed copy.* 1 *p.* *Endorsed*, Reed. June 27, Read July 2, 1700.

345. v. Proclamation for a General Fast in the Province of the Massachusetts Bay, April 25, and supplication for the preservation of Peace and the blasting of the evil designs of all that hate Zion, etc. *Signed*, Bellomont. March 20, 1699 (1700). *Endorsed*, Reed. June 27, 1700. *Printed copy.* 1 *p.*

345. vi. Proclamation dissolving the Great and General Court of Assembly of the Massachusetts Bay, April 16, 1700. *Signed*, Bellomont. *Endorsed*, Reed. June 27, Read June 2, 1700. *Printed copy.* 1 *p.*

345. vii. The further information of John Sabin, living near Woodstock, Boston. March 27, 1700. His Indian friends acquainted him that the Indian Sachems are now holding a Court, as they call it, or general consultation to carry on their design of an insurrection upon the English; and particularly Nenaquabin, this informer's pretended special friend, who is a very subtle man, tells him *that it has been reported among them from Canada that the King of England did resolve to destroy and utterly extirpate all Indians out of the country*, and most of the Indians believed this. Another, (being uncle to Toby), told him that they *would not attack the English with any great body, but would scatter themselves in small parties throughout the country, and keep them so constantly alarmed that they should not be able to stir about, and so in some few years should weary and starve them out, and the Indians should enjoy their country again.* And the French have insinuated to them that the Virgin Mary was a French lady and Our Saviour a Frenchman, but the English are heretieks, and that it will be a meritorious service to kill Englishmen, and that, if any of the Indians happen to die in so good a cause, they would certainly be saved and go to Heaven. The Indians have contrived a method for communicating intelligences speedily by posting men at several stages. If their design be discovered and the English take to their garrisons and be provided to resist them, the Indians would lie still for some time, until the English believed it was all peace, and then come upon them by surprise. *Copy.* $1\frac{3}{4}$ *pp.* *Endorsed as preceding.*

345. viii. Josiah Dwight to Governor the Earl of Bellomont. Woodstock, March 11, $\frac{1699}{1700}$. We cannot be more

1700.

fully persuaded of mischief boding than we are, nor can we give other assurance, unless we would be content to be the amazing butchered spectacles of so many miserable cadavers for any would come and take pains to behold us. Pity our strait and grant us men and means. *Signed*, Josiah Dwight. *Copy.* 1 *p.* *On back,*

Benjamin Sabin to the Earl of Bellomont. We are satisfied a great war is intended, not as of old a paganish, but papist war. We pray you send a messenger to learn our need. The Governor of Connecticut urged us to inform you how the case is. This is signed in addition by two Connecticut gentlemen who have been here three days to assist us in Council taking. *Signed*, Benjamin Sabin, Thomas Lessingwell, John Chandler. *Copy.* ½ *p.* *Same endorsement.*

345. ix. Joseph Storer, John Wheelwright, and Jonathan Hamond to the Earl of Bellomont, March 27, 1700. We, the inhabitants of Wells, have received a suitable supply of soldiers and acknowledge your fatherly care. We beg for a supply of arms and ammunition. An Indian lately said that last summer there was a great plot among the Indians at Pennycook and Winnebessehkiek to make war upon the English about our Indian harvest, and had it not been for Kahton Bamet, Sagamoor of Pegnohket, they had struck the blow upon us before winter. *Copy.* 1 *p.* *Same endorsement.*

345. x. William Rayment, Lt. of the new detached company posted in the county of York, to the Earl of Bellomont, April 13, 1700. Divers of the Eastern Indians have shown themselves about the town of Wells. One of them, Capt. Tom, said the Indians were gathering together because Governor Winthrop had seized the Natick Sagamore and said he would kill the Indians. Fifteen Natick Indians had come to Pennicook to stir up the Indians there to make war, and also to Uncas, another Sagamore to the west, and the Pennicooks had sent unto the Kennebeck Indians, who refused to join them. The Pennicooks could do nothing with the Eastern Indians: they were no more than a papoos (child). Narrator denied that the Governor had seized any Indian or intended any harm to the Indians. Capt. Tom professed to be very well satisfied with your Excellency's Proclamation, and said the Indians have design for war: they have hunted much this winter and taken but little game, and are very poor and pinched. They are now going out a hunting for the space of two moons. *Copy.* 1¾ *pp.* *Same endorsement.*

345. xi. Governor the Earl of Bellomont to the Commissioners for Indian Affairs at Albany. Boston, March 21, $\frac{1699}{1700}$.

1700.

This letter is to supplement that which I wrote to you on the 16th. We are alarmed with a design of a general insurrection of all the Indians in this and the neighbouring colonies. If our advices be true the Eastern Indians are not only engaged in confederacy with the others but also the Five Nations, and all this mischief contrived against us by the French missionaries, and, if some Indians inform us aright, the Governor of Canada is as deep in the design as his Jesuits. I am confident the Five Nations are staggering in their affection to His Majesty, and we must not longer delay the sending such a message to them as will defeat the artifices of the Jesuits and retrieve the affection and submission of those nations. I advise that Col. Peter Schuÿler, Mr. Livingston and Mr. Hendriek Hanson take the message and John Baptist van Eppe go with them as interpreter. I will take care to give the King's ministers an account of the affection and zeal they shew in this occasion for His Majesty's service. Their expenses and recompense shall be punctually paid them. If they are hindered, appoint others in their stead, and let them go as soon as possibly they can. *Copy.* 1½ *pp. Same endorsement.*

345. xii. Governor the Earl of Bellomont's Instructions to Peter Schuÿler, Robert Livingston and Hendriek Hanson. (i) You are to visit in my name the Mohaek, Oneydes and Onondage Indians and try to find out whether the French Jesuits have been endeavouring to entice them or any of the Five Nations from their allegiance to His Majesty, and by what artifices. If they own that the French missionaries have so endeavoured, then you are by degrees to discover to them that I am not a stranger to those false reports. (ii) As to the report that His Majesty has ordered them to be disarmed, you are to assure them that 'tis so far from being true that I intend, God willing, to meet the Chief Sachems of all the Five Nations at Albany on Aug. 10, at which time I will not only make them a good present of cloathes, etc., but also of a good number of fuzils and some powder and lead. (iii) You are to assure them of His Majesty's favour and protection, and that I am in daily expectation of the King's orders to build a fort at the Onondage's Castle to defend them from the French of Cadaraque etc., and that I also expect orders to settle some Protestant ministers among them. (iv) You are to send some trusty Indians to the Cayouges and Synneke Nations to acquaint them with this whole message, and that I will meet their Sachems at Albany, Aug. 10. You are also to carry five belts of wampum in my name as a token of our King's friendship for the

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Five Nations, and, if you think proper at your return to Albany, a belt of wampum in my name to the Schackhook. (v) You are to inform yourselves what number of Jesuits and other French missionaries are now or lately have been among the Five Nations, what are their names and what lies they infuse into the Indians, and whether they use the Governor of Canada's name. You are to learn what you can about the French designs, to put all particulars in writing and not to suffer these Instructions to be copied, but, after making use of them, you are to lodge them with Mr. Livingston, as Secretary for the Indian Affairs. Boston, March 21, 1699 (1700). *Copy.* 2 *pp. Same endorsement.*

345. xiii. Commissioners of the Indian Affairs at Albany to Governor the Earl of Bellomont. Albany, April 8, 1700. We have not heard the least mention of the intended Indian insurrection, except a copy of an examination taken before the Governor of Connecticut. We are not apprehensive that any of our Indians are concerned in that matter. We know the French are very industrious to debauch the Five Nations from us, and have got some families to Canada, where they caress them at another rate than we can, since of late we have not been able to gratify the well-deserving Indians as they merit, there being nothing in store. We have sent for the Sachims of Skachkook and a New Roxbury Indian lately come from thence, whose examination we enclose. We thought it requisite the three gentlemen should stay till that was over, the better to inform themselves; they will have a hard journey of it, being the worst time of the year. We have cautioned the Skachkoke Indians to be watchful and give us an account whatever passes, who have engaged to do it. *Signed*, Dirck Wessells, J. Janse Bleecker, Johannes Roosebone, Erbert Wendell, Albert Ripman, Wessell Ten Broock. *PS.*—Last week, when we received your letter, there were three Cayouges Indians here, who said that all the Indians are out a hunting and never better satisfied nor quieter in their lives. *Copy.* 1¾ *pp. Same endorsement.*

345. xiv. Robt. Livingston to Lord Bellomont. Albany, April 8, 1700. I do really believe our Indians, both Skachkooke and Five Nations are innocent, except some particular ones probably instigated by the French, for our Skachkook Indians insist, as they did last spring, to have their land plowed by the Christians, whom they are willing to pay, and I have desired our gentlemen to procure some fit persons to do it. And I could wish the Pennacook Indians would come and settle among 'em, which would divert their evil thoughts

1700.

of falling upon the English. Then we could have a watchful eye over them. We are fearful here that the English to the eastward are too rigid and jealous of their Indians, and their keeping them so in awe does rather exasperate them than keep them under, but we doubt not but your Lordship will prescribe such good rules and methods for them that will prevent those mischiefs, which by their unskilful management of Indian affairs have formerly proven very fatal to that country. Last Saturday our burch cano that was carrying up the hill was suddenly taken up with a whirlwind and broak to pieces. We have got two other small ones which we hope will carry us on the journey. Our provisions is gone to Shennectady and we follow immediately on horseback, and hope to return in less than four weeks and to speak to the Cayouges and Sinnekes too. The way we go, they tell me, is not above a day and a half from Cadarachqui. I could wish I had your Lordship's liberty, I would have gone and seen that fort, which annoys us so much in war-time, but then it would create a jealousy in the French. *Copy.* 1½ *pp. Same endorsement.*

345. xv. Examination of Suckquans and Sasquehaan, two Sachems of Skachkook, and of Nichnemeno, a New Roxbury Indian. Albany, April 7, 1700. Nichnemeno said that last fall the Pennecoke Indians to the eastward sent a belt of wampum by Toby the Indian to the New Roxbury Indians, saying they were glad there was a general peace concluded between the English and all the Indians and that they might now go a hunting without any fear: if the New Roxbury Indians were minded to go a hunting towards the eastward they would be safe. No women nor children were present when this belt was given, because the New Roxbury Indians were afraid lest the English, if they should hear of it, would forbid the selling of powder wholly, for now an Indian could get no more than two charges. Sucquans said the English of New England were so jealous of their Indians that they would not suffer them to go out a hunting without some English went with them, and gave them so little powder that they could not go far. A New Roxbury Indian, Ninnequabbin, brought the Belt of Wampum to Oneco, a Sachim of the Mowhegans, who gave it to the English and told Ninnequabbin that they corresponded with the Onnagouques, or Eastern Indians, and had some ill design, whereupon Ninnequabbin was put in prison, and the Indian women fled to the the woods, but he being in some few days released, they returned. Sucquans said, if there were windows in his breast and we could see his heart we should find nothing amiss in it. About six weeks ago three high-

1700.

land Indians came to Skachkook, having heard that there was like to be troublesome times in New England, for the Maquase had sent to the Catskill Indians to come and live at Tronondoroge, 32 miles above Shinnechtady, and the Skachkook Indians had been ordered to come and live at Albany. They brought a small girdle of wampum to the Catskill Indians and another to Col Schuyler, but could learn nothing of any disturbance, and were therefore come to Skachkook with the third girdle and gave it to us. We told them all was quiet and peaceable. Two are gone out a hunting with our Indians, and the third has returned well contented to the Highlands. The two Sachems were asked what propositions the three Pennecokes and three Onnagouques or Eastern Indians made to the Maquase last fall, when they went with you Skachkook Indians to the Maquase country with our leave? They replied that the substance was that, since there was now a General Peace, they (*the Pennecoke and Eastern Indians*) desire to be linked in the Covenant Chain, to be united to this Government and to be looked upon as Skachkook Indians. The Maquase said, you have been enemies to the English, and we have been enemies to the French, but now we have a great Governor come over, who has brought us a General Peace, concluded between the two Kings, which we adhere to, and do keep close to the Covenant Chain made with the Earl of Bellomont, whom they call Corlaer, and there being a Tree of Welfare planted at Skachkook by our Governor, which, if he accepts of your coming to live and plant there, we are willing for our parts to receive you into the Covenant Chain, but we depend wholly upon Corlaer. *Copy. Signed*, Robt. Livingston, Secretary for the Indian Affairs. $3\frac{1}{2}$ *pp. Same endorsement.*

345. xvi. Copy of an Act in addition to the Act against piracy and robbing upon the sea. "Whosoever shall commit piracy and be thereof convicted shall be accounted felons and adjudged to suffer the pains of death." House of Representatives, March 19, 1699 (1700). Sent up for concurrence. *Signed*, James Converse, Speaker. $\frac{3}{4}$ *p. Same endorsement.*

345. xvii. Duplicate of Bellomont's letter (*No.* 31.) [*Board of Trade.* New England, 10. *Nos.* 31, 31. i–xvii.; *and* (*without enclosures*) 38. *pp.* 33–45; *and, memoranda of above*, 12 *pp.* New York, 9. *No.* 25; *and* (*without enclosures*) 54. *pp.* 252–262.]

April 20. Jamaica. **346.** Governor Sir William Beeston to the Council of Trade and Plantations. I have received the duplicate of your letter of Jan. 26, but the original and the two letters you mention from His Majesty about pirates I hear nothing of. The Act for the

1700.

Revenue was past perpetual in his Grace the Duke of Albemarle's Government and sent to England, but there being great complaints made by the people that the Assembly, that made it and some other laws, were violently and unduly chosen and returned, it has pleased His Majesty hitherto not to confirm any of those laws, but, on the refusal of Assemblies for the future to perpetuate it, it's in His Majesty's pleasure to pass that law, which I have often used to the Assembly for an argument for them to do it, but it has not hitherto prevailed with them. The late Provost Marshall, Mr. Atkinson, is dead, to supply whose place I put in Mr. Henry Brabant, a gentleman bred to the law, very acceptable to the country and fitting for the office, since which a deputation is come from the Patentee to one Mr. Toplady, who is thought generally to be in no wise qualified for it, nor can he be admitted, being contrary to H.M. Order in Council and the Act lately made to that purpose in this Island; besides, the extravagant rate he gave for it, must oblige him when in it to squeeze and injure all people he has to do with to get up his money, else he would have a hard bargain, for Atkinson, though he never paid 6*d*. to anyone for his office, died worth nothing, for the generality of the people are now not only grown out of debt but have good estates and money, both here and in England, so that there is little or no credit given, and by consequence but few law suits of value, which is the profit of the Provost Marshall's place.

And therefore, that you may the better judge of the value of this Island to the Crown, people and trade of England, I transmit a short estimate of what is shipped yearly from this Island to England, which is above 500,000*l*., and is a moderate estimate; if, therefore, the Island were peopled according to its capacity this exportation would be proportionable, all which, except the gold and silver, I take to be so much perfectly added to the stock and value of England by the work of servants and negroes, and the money is of great use to the nation also, besides the employment of so many ships and seamen and the exportation of so great quantities of the English manufactory. I have received the Baron of Bellamont's Memorial about the Jews, on which I sent for the chief of the Nation, and communicated it to them, who have promised to give me the sentiments of their people about it, which, together with the Council's opinion on it, who have not yet met about it, shall be transmitted to your Lordships by the next. By the ship that brought your letter, I also received the honour of His Majesty's Patent for this Government, which in all thankful obedience I acknowledge, and have caused to be published in this town and Port Royal, with all the ceremony the places could afford. The Island, blessed be God, is now in perfect health, and if it continues so, I doubt not but will fill with people and flourish apace. The Governor of Cartagena is still before Calidonia, but I do not hear has attempted anything against them. Now the ships of war are gone we are at quiet again, and the whole island is in amity without any manner of disturbance. *Signed*, Wm. Beeston. *Endorsed*, Recd. 21st, Read 24th June, 1700. *Holograph.* 1½ *pp. Annexed*,

1700.

346. i. Abstract of above, with comment on the passage about Toplady, "Let it alone till somebody complain of his non-admission." [*Board of Trade.* Jamaica, 9. *Nos.* 18, 18.i. ; *and* 57. *pp.* 72–75.]

April 20. **347.** An estimate of what value is shipped annually from Jamaica to England.

About 13,000 *hhds.* of sugar at about 17*l.*	211,000*l.*
In Vere alone this year it's believed there will be made indigo to the value of	100,000*l.*
In gold and silver, coin and uncoined, there goes not less than..	150,000*l.*
In logwood not less than	20,000*l.*
Piemento, ginger, cotton, cacao, anotto, Fusticks, Lignum vitæ, etc. not so little as	50,000*l.*
Total	531,000*l.*

[*Board of Trade.* Jamaica, 57. *p.* 76.]

April 20. Barbados. **348.** Governor Grey to the Council of Trade and Plantations. I have received your pacquet and enclosures by Capt. Parsons. I return you many thanks for your favour expressed towards me, Jan. 23, relating to Mr. Wheeler being sworn into the Council, but with due submission I conceive I have acted nothing contrary to the authority reposed in me by His Majesty, for though it be, as your Lordships observe, that I am restrained in express words by my Patent to make the number of Councillors above seven, whensoever there shall happen to be less than that number residing, yet in a precedent clause of my Commission I am commanded to do and execute all things in due manner, not only according to the several powers and directions granted thereby, but likewise according to such instructions and authorities as should at any time thereafter be granted and appointed me under His Majesty's signet or sign manual or by His Order in Council. Now by your Lordships consulting the 7th, 9th and 11th paragraphs of those instructions, it will plainly appear the number of seven is increased to twelve, and my Commission having relation to my Instructions, they ought to be considered together, and upon doing that I am in hopes you will be of opinion that I have acted nothing contrary to my duty. Upon the death of Mr. Bond, I was so circumspect in this affair that before Mr. Wheeler was sworn, there being but eleven Councillors then in the Island, I consulted His Majesty's late Attorney and Solicitor General, and likewise the present Attorney General since the receipt of your letter, who were all of opinion that I was as well obliged to observe my Instructions as the Patent, and that the number of seven by my Patent was increased to twelve. *Signed*, R. Grey. *Endorsed*, Recd. 24th June, Read 17th July, 1700. 2½ *pp. Enclosed*,

349. i. Opinion of Attorney and Solicitor General of Barbados referred to above. Bridge Town in Barbados,

1700.

April 10, 1700. *Signed*, E. Chilton, Rich. Turner. ¾ *p.* [*Board of Trade.* Barbados 8. *Nos.* 52, 52.i.; *and* 45. *pp.* 86–89.]

April 21. Whitehall. **349.** Earl of Jersey to the Council of Trade and Plantations. The King commands me to transmit the enclosed extract of a letter from my Lord Bishop of London, and to signify his pleasure that you consider and report your opinion upon the particulars therein contained. *Signed*, Jersey. *Endorsed*, Reed. 22nd, Read 23rd April, 1700. 1 *p. Enclosed*,

349. i. Extract of letter from the Bishop of London, April 16, 1700, to the Earl of Jersey, to know His Majesty's pleasure (i) whether His Majesty will continue the lease of the Farm at New York to the Church lately there established; (ii) that His Majesty would be pleased to grant a letter to the Governor of Virginia for the carrying on of the building of His Majesty's College there; (iii) the inhabitants of Newfoundland are very earnest in building a Church and settling an establishment for a minister to remain among them; if, therefore, the King would be pleased to settle an establishment for a chaplain to his fort upon that place, that with the Church would make up a sufficient maintenance for a good man to live there and make them good Christians. 1 *p.* [*Board of Trade.* Virginia, 37. *pp.* 398–400; *and* Newfoundland, 25. *pp.* 379, 380; *and* New York, 9. *Nos.* 26, 26. i; *and* 54. *pp.* 196, 197.]

350. Memorandum of above. ½ *p.* [*Board of Trade.* Virginia, 8. *No.* 8; *and* Newfoundland, 4. *No.* 14.]

April 22. **351.** Journal of Council of Trade and Plantations. Draught of a Representation about the Indian conspiracy considered.

April 23. Letter from Mr. Haynes, *etc.*, about Naval Stores, read. Answer ordered.

Letter from Mr. Burchett, Ap. 19 read.

Order of Council, Ap. 18, upon the petition of William Crouch, read.

Letter from Lord Jersey, April 21, read.

Act of Jamaica, June 27, 1699, "to oblige Patentees of Offices to reside in this Island," with Mr. Attorney General's report thereon, read. Representation thereon ordered to be prepared.

Testimonial in favour of Capt. Hasket, together with a copy of the bond given by him with two sureties to the Earl of Bath, as one of the Lords Proprietors of the Bahama Islands, read. Letter to Mr. Thornburgh, to same effect as was writ to him, May 6, 1697, ordered. [*Board of Trade.* Journal, 13. *pp.* 12–14; *and* 97. *Nos.* 74, 75.]

April 23. London. **352.** Duke of Schonburg to the Council of Trade and Plantations. Capt. Brooke has served as my aide-de-camp, and so long under my command in England, Ireland and Flanders,

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and given me such proofs of his diligence, prudence and conduct, that I dare assure your Lordships he is perfectly well qualified for the Government he is a petitioner for. *Signed*, Schonburg and Leinster. *Endorsed*, Reed. Read April 29, 1700. 2 *pp.* [*Board of Trade.* Bermuda, 4. *No.* 23.]

April 23. Whitehall. **353.** William Popple to Richd. Haynes and others. The Council of Trade and Plantations, since in your letter of April 17 you positively decline the undertaking of Naval Stores in the Plantations unless upon a fixed price with the Government, do not think it needful to enter into any further consideration of that matter until you have first applied to the Navy Board, unto whom the care of making such contracts belongs, and settled such agreement with them as you shall think fit to proceed upon. [*Board of Trade.* Plantations General, 35. *p.* 201.]

April 23. Boston. **354.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I writ your Lordships, Nov. 22, of the great abuse, in my conception, done the King in their sending ship-timber from Pescattaway in N. Hampshire to Portugal, and notwithstanding I then rebuked Mr. Partridge, the L.G., and the others concerned in that former ship's loading of ship-timber, and told 'em I would complain to the King of their carrying on so criminal a trade, yet it seems they consult their own profit more than they mind my checks and menaces. I heard not the least syllable of their loading this ship with ship-timber at Pescattaway till Mr. Sheaf, the Deputy Collector there, writ me word of it. I enclose extract, and a copy of my letter to Mr. Partridge finding fault with him for conniving at the ship's being loaded. Mr. Daniel Oliver and Mr. Wm. Welstead, marchands in this town, are fraighters of this ship, and own to me her loading is to be pipe-staves, plank for ships and eight masts of 16 inches diameter. They say, too, she is almost quite loaden and designed for Portugal. I have but their words that she carries no more masts or that their diameter is no more than 16 inches. I am sure 'tis by no means prudent to suffer ship-timber of any sort to be carried to a foreign country, because 'tis furnishing our enemies, and because it tends manifestly to the disfurnishing the King of such a nursery of noble timber for building ships as I believe he has not the like in all his dominions. I dare not take upon me to stop this ship at Pescattaway, having no orders so to do at any time, and there being no law against it that I can find. Mr. Bridger, one of the Agents of the Navy Board, assures me that by the prodigious havock he has seen and been informed of in those woods of New Hampshire, there has not been less than a million's worth of timber cut and carried away out of the country within these four years, at the rates it would sell for in England. Mr. Partridge told me last year, when I was at Pescattaway, that he had built as many ships since the war at that place as he was paid 22,000*l.* for in England. He had then a great ship on the stocks. I was then told, I think by Mr. Partridge, that he and some others were

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going to build a vessel of 600 ton. I am in no manner of doubt but if such a vessel were suffered to be built there, these people would adventure to make a trip to Portugal with a load of masts, etc. I suspect this design because Mr. Partridge told me, if I could have leave to send a ship's loading of masts for men-of-war to Lisbon, I might have any money for 'em that I would ask. My letters of Sept. 8 and 9 last have informed you of the prodigious waste of woods in N. Hampshire. I find that besides the timber exported from Pescattaway to Spain, Portugal and the West Indies for the account of the marchands and inhabitants of the place, the marchands of this town also are furnished from thence with almost all the timber they send to the forementioned countries, and very nearly all the sawn timber used in building here and in all the towns on the sea-coast of this Province come from N. Hampshire, and from thence too the town of New York and most of that Province are supplied with boards and sawn timber. So that your Lordships may conceive what a vast consumption of timber there must be in that little Province. I shall by this conveyance, if I have time, demonstrate that if a speedy course be not taken to prevent the inhabitants from exporting any timber out of that Province, it will be an unspeakable loss and prejudice to England, and in two or three years there will not be a good tree left for the use of the King's Navy, but what will be so far up in the country that the carriage will cost more than it is worth. The great pines, which are now or in a few years would be fit for masts for the ships of war, they saw into boards, and the great oaks they cut into pipe-staves, which they export to Spain, Portugal and the West Indies. Mr. Bridger tells me they have cut down oaks near Pescattaway which they have got 14 lengths of pipe-staves out of, at 4½ ft. in each length. I send Mr. Partridge's letter in answer to mine, that you may observe how tenacious and fond he is of transporting ship-timber abroad. I have no prejudice to Mr. Partridge, but do say with submission that he is not fit for the post of Lieut. Governor. He is a millwright by trade, which is a sort of carpenter, and to set a carpenter to preserve woods is like setting a wolf to keep sheep. I see plainly that he has so found the sweet of building ships that he will not be broke of it. He is of the country, and the interest of England is neither in his head nor his heart, like the generality of the people in these Plantations, and he is a mean man, and as such unfit for Government. I know him not enough to judge of his morals, but what I quarrel at is his selfishness and interestedness in preferring a little sordid gain before the interest of England. If he is not to be prevailed with to forbear that trade of ship-timber to foreigners now I am so near him, what will he not do when I am gone to New York?

If it were not a presumption in me to write anything that looks like advice, I wish with all my heart some few things were observed in the management of these Plantations for the time to come; (1), that there be great care taken in the choice of the persons employed by the King, from the Governor to the

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meanest officer—I mean that they be men of undoubted probity and well born; (2) that they be not men of the country, but Englishmen; (3) and men of some fortune in England, to be a tie upon 'em to behave themselves honorably in their respective trusts. I should humbly advise the Governors and Lt. Governors especially might be of quality, because 'tis a debasing of the King's authority to put those employments into the hands of litle men. I may be allowed to complain of this mischief, because I find the ill-consequence of it every day. What a disparagement was it to Government and the King's authority to advance a man, that was a carpenter and wrought in this town for day wages, to the post of Governor, and to be stiled Excellency; which title after all, I believe, belongs not to any of us, and whether it does or no I little care; a title is what I shall never value myself upon; but a mechanick or mean Governor like him I have hinted, or like Mr. Partridge, holds the reins of Government with too loose a hand. They cannot maintain the authority and respect that is necessary to their character, because the people know their meanness and despise 'em. And mean or corrupt Governors are a great allay to the people's affection toward the King, they conceiving an idea of their supreme Governor the King according to the qualifications of the subordinate Governor he sets over them. I should humbly advise that an order be sent immediately to me to stop the exportation of any lumber or ship-timber whatsoever out of N. Hampshire, that is, in case the King can lawfully grant such an order, and an Act of Parliament for enforcing such a prohibition will be very proper. I have newly received a letter from New York, which makes me sensible of the difference between the timber in that Province and that in N. Hampshire. Mr. Latham, the ship-carpenter whom I employed to cut ship-timber to send to England in the *Fortune* at New York, writes: "I have found a noble range of timber for knees and plank, but no trees that will afford beams of the length you bespoke" (from 44 to 52 foot long). Yet Mr. Bridger sent home beams of the latter dimension from Pescattaway. I am glad, however, Mr. Latham has found such knee timber and plank; 'tis on the land formerly granted to Capt. Evans by Col. Fletcher and lies very convenient for water-carriage on the bank of Hudson's River. I do not despair of finding good beams on the side of that river, for Latham was in haste, because the season for cutting timber was almost over. I shall in another letter demonstrate that the King will be better and cheaplier furnished with principal ship-timber from Pescattaway than he is now of the growth of England, for I have made a nice calculation. If my predecessors had applied their thoughts to the true usefulness of these Plantations to England, the King had saved a great many thousand pounds. If an objection should be made that a total prohibition of lumber and ship-timber from N. Hampshire would be ruinous to the inhabitants and therefore an injustice, I answer, they may as well subsist by the fishing trade as this town and Province do, they being much better seated for that trade than this Province

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is ; and they do at this time trade both in lumber and fishing, whereas in this Province they trade not so much in lumber as in fishing, which is their staple. Besides, I would ask any reasonable man whether the interest of ten or a dozen private men ought to be put in the scale against the interest of the King and Kingdom of England, in so essential a point, too, as that of supplying the Navy of England with such masts etc. as are not to be had elsewhere in the King's dominions. I take this matter to be of that moment that it deserves your sending an Advice-boat purposely with your orders to me therein.

Last February, Mr. Usher came and complained to me that his father-in-law, Col. Allen, was notoriously wronged by the Superior Court of N. Hampshire in putting off the trial between him and some of the inhabitants about his title to all the lands in that Province, for so it was virtually, tho' there were but four defendants named. I confess I was much provoked at what Mr. Usher told me, he assuring me confidently the defendants had by a trick put off the trial, and contrary to a compromise I had brought all the parties to when I was at Pescattaway, viz., that they should come to trial in the Superior Court the 2nd Tuesday in February last, and to make their agreement more solemn and binding on 'em, I had them before myself and the Council, and a Minute of Council made of their mutual engagement and read to 'em. The Minute is to be seen among those I first sent you, and bears date Aug. 15, 1699. Upon enquiry, I found Mr. Usher misinformed me, for it seems the Court would have proceeded to trial, but that Col. Allen's Attorney omitted taking out venires for summoning juries, whereupon the causes were deferred till another Court. Col. Allen showed me some writings at Pescattaway, but not the deeds whereby Mr. Mason conveyed him that Province ; he shewed me the opinions of Sir Jeffery Palmer and Sir William Jones in assertion of Mr. Mason's right and title to the soil of that Province. I am a stranger to the handwriting of those two eminent lawyers, and so cannot tell whether those were really their opinions and signed by them, but if they are, is it not possible for an able lawyer to give a wrong opinion upon a case wrong stated, as perhaps Mr. Mason might for his own interest give them a partial state of his own case ? If I be rightly informed, there are two very material defects in the deeds under which Mr. Mason claimed before he sold his interest to Col. Allen, first, 'tis said that none of the Council of Plymouth, who granted the patent, did set their hands to it as they did to others of the like nature ; secondly, 'tis said there was no livery and seizin given upon the patent, and so no lands could pass thereby. 'Tis also suggested that one Capt. John Mason was Secretary or Clerk to the Council of Plymouth, who, having the custody of their seal, forged a patent by affixing their seal, but could not so well counterfeit their hands. That Capt. Mason, it seems, made the said Mr. Mason his heir, obliging him to change his name from Tufton to Mason. This account I thought fit to communicate to you as it has been related to me. I have not the least prejudice to Col. Allen ; he has

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always carried it with great civility to me, and I have great compassion for him upon the account of his hard circumstances, for he has been, 'tis said, a flourishing marchand; but I cannot see the Crown cozened of a province, that will be so vastly useful to England as that will be, and be silent. If Col. Allen's title be defective, I am almost confident the inhabitants' title is so too, which will let the Crown into a just challenge of a good quit-rent for all their lands. I have been told the inhabitants have many of 'em earved themselves great tracts of land. I do not find they derive from the Crown, nor from anybody else that could make 'em a good title. I desire your direction, if Col. Allen's title to the soil be found defieient and that the title is in the King, for the setling and setting forth the lands there to the inhabitants. I think truly the rules prescribed by the late Lords Justices, Nov. 10, '98, about the lands of New York, will do well in N. Hampshire; I mean as to the method, but the lands in N. Hampshire being a great part of 'em cultivated, I should think the Crown might reasonably expect 3*d. per* acre, which is the quit-rent Col. Allen told me he expected from those people, and half a crown *per* every 100 acres uncultivated or unreduced from the woods, which is the quit-rent ordered by the Lords Justices to be laid on the lands of New York. If a Judge and Attorney General be sent from England for New York, I desire the same persons may be Judge and Attorney General in N. Hampshire; there will be the same necessity for putting that province on a right foot that there is for New York. I find great want of an able Attorney General here in this province to assert the King's prerogative, and the same persons may serve for Attorney here and in the other provinces too. *Signed,* Bellomont.

I send three papers which will discover an irregular thing done by Mr. Brenton, brother to the Collector of this Province, N. Hampshire and Rhode Island, and two Scotchmen, viz., Will ffulton and John Porterfield, in loading a sloop at Bristol in this province with provisions, and clearing her at Rhode Island, and afterwards proceeding with and selling the sloop and provisions to the Scotch of Caledonia. One of the papers shews that Capt. Drummond, in the sloop *Anna*, stole a load of provisions from New York and carried them also to Caledonia. I know not how these things are to be remedied without an Act of Parliament empowering Governors to require bonds from the owners of all ships outward bound, in treble the value of the cargos, that they shall not send their ships to any prohibited places. They write me word from New York that there are four or five vessels expected every hour from Madagascar there, that the impudence of the marchands concerned in them is such that they stuck not to talk of it, and were providing boats to go and meet them and bring off the goods and treasure. Both frigats are cruising and I hope will meet them.

John Trimingham, master of a brigantine that's come from the Bay of Campechi to New York, says he saw three Bermuda sloops taken by a pyrat, that, coming up with the Capes of

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Virginia, he spoke with a Liverpool ship of 150 ton, bound to Virginia, that was robbed near the said Capes by a pyrate, who, that she might not get soon into port, cut down her mainmast by the board and cut off her bowsprit. The pyrat had 24 guns and 150 men, and 50 of his men he has manned a pink with, which he had taken, and the pink it was that robbed the Liverpool ship in sight of the pirate ship. I hope the bigger of the frigates will meet those pirates, for I ordered her to cruise that way, besides I hear the Captain met in his way with the news of the pyrats being off the Capes of Virginia. But if the sixth-rate frigate meets the pyrats, she will run a hazard of being taken, for I hear she is but weakly man'd. Capt. Morris, the Commander of the sixth-rate, so scrupled my orders to him to come hither with the pyrats and their treasure from New York, that between his scruples and the L.G. of New York's eagerness in his consenting to his going a cruise, notwithstanding my positive order that he should bring the pyrats and their treasure hither, Rear Admiral Benbow with his three men-of-war will be forced to wait here a moneth for anything I know, which will cost the King 2,000*l*. The Lords of the Admiralty have sent me a new order, whereby I have power to send the two men-of-war attending this province and New York to Saltertudos every winter, and where else I shall think necessary. I will be sure to keep 'em much at sea and very little in port, for I will not indure laziness in others, while I take such pains myself to serve the King. Rear Admiral Benbow tells me that Kidd was so wicked as to murder all the Moors he took in the ships he made prize of, in cold blood; and that he murdered several English and Dutch among 'em; only there were 10 or 12 young Moorish boys he saved, intending to make slaves of 'em, and one of 'em has some way or other got to Jamaica, who has discovered this villainy of Kidd's. The L.G. of New York has sent me a parcel of papers belonging to Capt. Kidd, which were delivered him by Capt. Clark of New York, whom I formerly mentioned as having been on board Kidd's sloop at his coming to Long Island, and received a good quantity of East India goods and treasure from Kidd and Company. I send your Lordships the only papers among them that I conceive any way useful. *Enumerated.*—As to No. xiii., the receipt of Daniel Honan, Secretary to Col. Fletcher, for the King's tenth and Governor's fifteenth of the *Adventure's* prize, I desire you will consider by what law Col. Fletcher pretended to a fifteenth of prizes brought into his Government, and secondly, whether he was so just to the King as to account to His Majesty for the tenth of that prize. I send a copy of my letter to the Admiralty. *Holograph. Endorsed*, Recd. June 27, Read July 3, 1700. $7\frac{3}{4}$ *large pp. Enclosed,*

354. i. Abstract of above. 5 *pp.*

354. ii. Extract of letter from the Dep. Collector of New Hampshire to Lord Bellomont, Newcastle, April 3, 1700. On March 14, Capt. John Delves, master of the *Unity of Exon*, entered her here for Lisbon, and reported that he was to load oak and pine plank for

1700.

the said port. There is also launched and registered here a new ship, the *Mary* frigate, Capt. John Pindar, master, which Capt. John Wentworth told me was bound for Lisbon with the same sort of lading which himself carried. *Signed*, Sampson Sheafe. *Copy.* ¾ *p. Endorsed*, as No. 354.

354. iii. Lord Bellomont to Mr. Partridge, L.G. of New Hampshire. Boston, April 10, 1700. I received your letter of 8th inst. yesterday, and am sorry I cannot comply with your recommendation of Mr. Hinckes for the Naval Officer's place of New Hampshire, it being directly contrary to sense and reason to put that employment into the hands of a trading merchant. I have made Mr. Armstrong Naval Officer. He came well recommended to me from England and has found undeniable security in this town. I am informed that the *Unity of Exon* and the *Mary* frigate are intended for Lisbon, laden with planks for ship-building. I am of opinion this sort of trade will be very ill resented by the King and his Ministers, and I expect orders by the first conveyance from England to put an effectual stop to it. *Copy.* 1 *p. Same endorsement.*

354. iv. Governor Wm. Partridge to Lord Bellomont. Portsmouth, April 17, 1700. I have discoursed Capt. Delves, Commander of the *Unity*, who tells me he is following the orders of his owners in England. If any prohibition be made by King or Parliament, he will readily submit. As to the *Mary* frigat, she's a ship I am partly concerned in, in company with some gentlemen in England, whose positive orders are for a loading of plank and timber, but since your Lordship's advice I intend to enter her for England, and, in case any prohibition come to hinder that trade to Portugal, or your Lordship see cause here to do it, she shall sail directly for London. But it will be three or four months before she is ready. *Copy.* 1 *p. Same endorsement.*

354. v. Duplicate of receding.

354. vi. Lord Bellomont to Mr. Partridge. Boston, April 22, 1700. I wonder you make me such a proposition as that of suffering you to load the *Mary* frigat with ship-timber. 'Tis fault enough in you to suffer the *Unity* to do so, when you knew I had sent to England to know the King's pleasure. I will not suffer you nor anybody else to load a stick more without the King's order. If you attempt it, I will quickly put the command of the fort on the island into such hands as shall hinder you, and if that will not do I will order the man-of-war to go and lie in Piscataqua Harbour and seize any vessel so laden. I do not say there is an Act of Parliament against such a trade, but there are reasons of State for preventing certain mischiefs

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that our law-givers did not imagine would ever be practised. I have made such a representation of this presumptuous management of yours, that I dare undertake there will come an order from the King to put an effectual stop to it, and an Act of Parliament to that end. *Copy.* ¾ *p. Same endorsement.*

354. vii. Duplicate of preceding.

354. viii. Copy of bill of loading of the sloop *Society*, for the West Indies. Bristol, Sept. 21, 1699. *Signed*, Joseph Lord, Master. ¾ *p.*

354. ix. Agreement between Capt. Tho. Drummond, Counceillor in Caledonia, and William ffulton, in name of Ebenezer Brenton, John Porterfeild, John Cockburne and himself, for the purchase and delivery of the cargo of the *Society* at Caledonia or elsewhere upon the coast of New Spain. St. Thomas', Oct. 27, 1699. *Signed*, Thomas Drummond. *Witnessed by*, Alex. Stewart, Joseph Lord. *Copy attested by*, Wm. ffulton, Jno. Porterfeild. 1 *p.*

354. x. Copy of the narrative of William ffulton of Bristol in New England, and John Porterfeild. Boston, March 27, 1700. Part owners of the *Society*, they sailed from Bristol on Sept. 21, 1699, with a cargo of provisions; entered and cleared her at Rhode Island for Curraçao, and made a bargain with Capt. Drummond at St. Thomas'. Admiral Benbow with three ships of war was then at St. Thomas'. Deponents sailed with the *Society* in company with the sloop *Anna*, belonging to Capt. Drummond, to Caledonia. Soon after coming thither, the *Rising Sun*, 60 guns, arrived and three other large ships from Scotland with upwards of 1,000 men and stores. 1¾ *pp.*

354. xi. Duplicate of preceding.

354. xii. Copy of the inventory of the French prize taken by Kidd in the *Adventure* galley between England and New York. 1 *p. Endorsed*, Recd. June 27, Read July 3, 1700.

354. xiii. Copy of receipt of 58*l.* 6*s.* 10*d.*, in full of the King's tenth and Governor's fifteenth of a prize taken by Capt. Kidd. July 30, 1696. *Signed*, Dan. Honan. ¾ *p. Same endorsement.*

354. xiv. Copy of letter of attorney of Mich. Hawdon of the city of New York, Vintner, to Capt. Kidd, James Algeo, Edward Buckmaster, Andrew, and James Hows, to take his servant Saunders Douglass on a voyage on the *Adventure* galley and to pay upon his account the half part of one full share of the profits of the voyage. Aug. 24, 1696. *Signed*, Mich. Hawdon. *Witnessed by*, Henry Mead, John Weir, Sam. Willard. *Attested before*, William Merret, Mayor of New York. 1 *p. Same endorsement.*

354. xv. Copy of the gift by Jan. Cornelius to Capt. Kidd of

1700.

one half of his share in the present voyage. Sept. 27, 1697. *Signed*, Jan. Cornelius. *Witnessed by*, John Weir, James Algeo. July 17, 1698. Received of John Braberne 8 oz. of gold and eight pieces of eight belonging to John Cornelius, deceased. *Signed*, Wm. Kidd. 3 *p. Same endorsement.*

354. xvi. Copy of receipt of Jan Van Der Biest, merchant of Curaçao, to Samuel Aris, one of Kidd's crew, for 20 bales of goods. ½ *p. Same endorsement.*

354. xvii. Copy of articles of agreement between Capt. William Kidd, Commander of the good ship *Adventure*, and John Walker, Quartermaster. Sept. 10, 1696. (i) The Captain shall receive for the ship, the finding her in wear and tear, 35 shares, and five full shares for himself and his commission of such treasure etc. as shall be taken by sea or land. (ii) The Master shall receive two shares and the Captain shall allow all the other officers a gratification above their own shares as he shall deem reasonable. *Other arrangements for rewards, fines and compensations, e.g.*: (6) 100 pieces of eight for the loss of a finger or toe; (8) 100 pieces of eight for the man who shall first see a sail, if she prove to be a prize; (10) that man that shall prove a coward, or (11) that shall be drunk in time of engagement before the prisoners then taken be secured, shall lose his share. *Signed*, William Kidd. Subscribed and agreed to by the ship's company;

Starboard Watch.	Larboard Watch.
Robert Bradinham.	Henry Meade.
George Bollen.	John Warker,
Alexander Milberry.	(Quarter-master).
Wm. Beek.	Henry Olive.
John Torksey.	Wm. Moore.
George Sinkler.	Alex. Gordon.
John Wier.	John Finely.
Samuel Bradley.	Joseph Palmer.
Peter Hammond.	John Smith.
Archibal. B. Bohanan.	Barnet Higgins.
William Skines.	William Bowyer.
Edward Colliness.	William Turner.
Edward Roberts.	Walter King.
Peter P. Rouse.	Edward Spooner.
Ellis Strong.	Robert Smithers.
Yoer oovrall.	Thomas Purdeg.
Thomas Hobson.	John Kemble.
John Pears.	Hugh Washington.
Joseph Budden.	Robert Ruderford.
William Rowls.	Riehd. Basnet.
Jan Spons.	Jacob Cornelijs.
John Jonson.	Morgan Harriss.
Hendrick Albert.	Peter Lee.
John Browne.	Michael Calloway.

1700.

Starboard Watch.	Larboard Watch.
Cornelius Orvyn.	Ery Geyselar.
John Marten.	John Fletcher.
Nicholas Jennings.	Clexfflders (*sic*).
Andries Jeaniszen.	Humphry Clay.
Wm. Wellman.	Jacob Horran.
Charles Bathurst.	John Watson.
John Davis.	Henry Bainbridge.
Thomas Fletcher.	Nicholas Tuder.
Edward Buckmaster.	Harman Buger.
William Hunt.	Bernard Looman.
Harculis Bredsteed.	Hendrickus Cregier.
Jan de Roodt.	Peter de Roy.
John West.	James Betles.
John Fling.	Henry Pieterson.
Daniel Mokoricke.	Casper Spreall.
Henry Sanders.	David Carsson.
Edward Graham.	Noah East.
Aldris Saerdenbreech.	James How.
George Tarpole.	David Mullings.
John Burton.	Samuel Taylor.
Ebenezar Miller.	John Collings.
James Alger.	Henry Evertse.
William Percy.	Joseph Hill.
Nicholas Tredgidgen.	Richd. Willdey, senr.
Phillip Conninghame.	Wm. Willdey, junr.
James Carr.	Tho. Wright.
Robert Hunt.	Peter Smith.
John Hunt, jun.	Gabriel Loffe.
William Whitley.	Alex. Mumford.
William Arnett.	William Holden.
Neschen.	Patrick Dinmer.
Isaac Ambros.	Wm. Bowyer, senr.
John Hunt, senr.	Peter Fewlo.
William Weakum.	Robert Clem.
Jacob Conklin.	Mich. Evens.
Benjamin Franks.	Andrew How.
Isaac Dernes.	English Smith.
Samuel Aires.	Aba. Coucher.
John de Mart.	Jonathan Tredway.
Simon de Woolf.	Andrew Calwell.
John Pareriek, negro.	
John Roberts.	
Govert Baners.	

5½ *pp. Same endorsement.*

354. xviii. Copy of the account of the *Adventure* galley's company, showing 7,596*l.* 12*s.* 4½*d.* due to the company. 2 *pp. Same endorsement.*

354. xix. Governor the Earl of Bellomont to the Lords of the Admiralty. Boston, April 25, 1700. I have received your order of Jan. 10 allowing me greater latitude in disposing of the frigats appointed to attend

1700.

on this province and New York. I will be very careful not to abuse the power. If I had received it a week sooner, it would have saved the King the charge of Rear Admiral Benbow's waiting here a moneth, for I had long since directed the L.G. of New York to order Capt. Morris with the *Newport* to bring the pirates and their treasure hither, which Capt. Morris scrupled to do, because I had ordered Capt. Crow in the *Arundel* to cruise along the coast westerly as far as Delaware Bay to look out for pirates, and especially several ships expected from Madagascar. I appeal to your Lordships whether I was not in the right to send the stronger ship of the two on that cruise, for it rarely happens that any pirates come eastward of this place, and Capt. Morris had had a good opportunity in coming hither to visit the coasts of Long Island and Rhode Island, and those are as likely places for pirates as any. But between his scruple and the L.G.'s easiness, he has gone to cruise, and Rear Admiral Bembow will be forced to stay a considerable time before the pirates are like to be brought for him to carry to England. I had provided three months' provisions for half a dousin men-of-war, and now the Rear Admiral has brought but three ships and requires but three weeks' provisions. But Capt. Belcher, who always supplies the King's ships here, I find pretty easy under the disappointment. This harbour is deeper than that of New York, and therefore fitter for a fourth-rate. It was with some difficulty we got in there with the *Deptford*, a small fourth-rate. With regard to my complaint against Capt. Mitchel, I submit and ask pardon as believing myself in the wrong when your Lordships, that are such able and equal judges, have given it against me. *Repeats news of the robbing of the Liverpool ship referred to in No. 32. Copy.* 1¾ *pp. Same endorsement.* [*Board of Trade.* New England, 10. *Nos.* 32, 32.i.–xix. ; *and* (*without enclosures*) 38. *pp.* 46–70 ; *and* (*duplicate of No.* ii.), Proprieties, 5. *No.* 66 ; *and America and West Indies.* New Hampshire, 572. *Nos.* 2, 2.i.–xv.].

April 23. **355**. Memorial of Robert Heysham and others, addressed to the Council of Trade and Plantations, in favour of Capt. Haskett. 9 *signatures. Endorsed*, Recd. Read April 23, 1700. ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 42.]

April 23. Whitehall. **356**. William Popple to William Thornburgh. With reference to the petition of Capt. Haskett (April 11), the Council of Trade and Plantations desire you to remind the Lords Proprietors of the Bahama Islands of what I writ you (*Cal.* 1697. *No.* 1000) about the security to be given by the Proprietors for Deputy Governors, as a thing very necessary to be done in this present occasion. [*Board of Trade.* Proprieties, 26. *p.* 193.]

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April 24. Whitehall. **357.** Council of Trade and Plantations to the Earl of Jersey, enclosing Representation about Indians to be laid before His Majesty at the first conveniency. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill Geo. Stepney. *Annexed*,

357. i. Council of Trade and Plantations to the King. We have received from the Earl of Bellomont a letter dated Feb. 28, giving us an account of an alarm they had of late of a general insurrection and rebellion of the Indians, intended to be this month, or sooner, which had mightily frighted the English, especially those that live in the frontier places, who are forced to be on their guard and in arms, which had been occasioned by a rumour spread among the Indians by the Governor of Canada and the French missionaries that your Majesty had ordered the Five Nations and all the Indians in those parts to be disarmed in order to a total extirpation of them, the said Governor and missionaries having published over all their Provinces a copy of your Majesty's letter to the Earl of Bellomont sent to that Governor, and perverted the sense of that part thereof relating to the disarming of the Indians to the disadvantage of the English, without discovering to them that their own King had sent the same Orders to his Governor, all which will more fully and particularly appear to your Majesty by a copy of his Lordship's letter. For remedy, therefore, of such great mischiefs as may happen to your Majesty's Plantations on the Continent by the defection of your Five Nations, or hordes of Indians and the combination of others with them against your Majesty's subjects, and to prevent the ill effects of the artifices of the French and their missionaries in those parts in drawing them to their interest, his Lordship proposes the building of a sod fort in the country of the Onondages, one of those Five Nations nearest to Cadaraequi, a fort newly rebuilt by the French, the charge of which by the computation of Col. Romer, may require 1,000*l.* or 1,200*l.*, towards which his Lordship desires 500*l.* to be advanced by your Majesty to begin the work, and hopes to carry it on with what may be raised in the Province of New York. His Lordship further proposes that, whereas there are at present no more than 180 private men of the four Companies of foot now remaining there, which are in a very necessitous condition, they may be made up 400, for the security of this fort and of Albany and Schenectady, which are much out of repair, and that Col. Romer be continued there with his former allowance for the taking care of the building and repairing of the said forts, notwithstanding the order he has received from the Office of Ordnance to return home, and that provision be

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made for the pay, subsistence and clothing of the said Companies. His Lordship likewise thinks it absolutely necessary that your Majesty would be pleased to order 800*l.* to be laid out in buying the usual presents for the Five Nations whom he may meet at Albany, to make them sensible of the ill practices of the French and their designs in alienating their affections and stirring them up against your Majesty and your subjects. We cannot but agree with his Lordship in the several particulars proposed by him on this extraordinary occasion, humbly offering that the said 500*l.* be advanced by your Majesty out of your Office of the Ordnance or otherwise towards the immediate building of a fort in the Onondage country, the rather for that the French are very busy in carrying on their fortifications in those parts and particularly of Cadaraequi and Mountreal. We believe 400 able men, to be employed as well towards the building and repairing of the forts as the further security of that country. to be very necessary, but in case your Majesty shall not think fit to order that number of men from hence, we humbly offer that the four Companies now there, consisting by the establishment of 50 in each Company, may be made up 200 men effective, besides officers; and, for replacing the men unfit for service, that 100 men be sent hence under the command of two Lieutenants and non-commission officers proportionable, and that the pay and subsistence due to the Companies from the time they are to be satisfied their arrears by debentures upon Ireland may be duly paid and answered to their use, they being under a debt contracted with the victuallers and others concerned in their support for no less than 10,000*l.*, as we are informed by his Lordship; and it being altogether necessary that a full clothing be immediately ordered and sent to them; as also that your Majesty be pleased to write letters to the several Colonies of New England to supply the further number of men demanded by his Lordship for this occasion. As to the presents demanded by his Lordship for the Five Nations, who are the only barrier between the French of Canada and your Majesty's Plantations, as far as Virginia and Maryland, which by such a combination would be in very great danger, we think the same absolutely necessary at this time to hinder the French from seducing them; and that the sum of 800*l.* be furnished by your Majesty and laid out in the usual species of fire-arms, ammunition and clothing for the chief of those Indians. And that, for the rendring these proposals the more effectual, your Majesty may be pleased to order his Lordship to go immediately in person to Albany, there to convene

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the Five Nations of Indians, and to assure them of your Majesty's grace and favour, and to undeceive them of the design of disarming them or anything else intended to their prejudice, and to do everything else that his Lordship shall in his prudence and discretion find requisite to secure their affections and subjection to your Majesty. And to the end this service may be performed with all possible speed, we humbly offer that the several particulars herein proposed may be forthwith provided and taken care of so as that your Majesty's ship the *Advice*, now bound thither, may take everything on board, together with your Majesty's orders to the Earl of Bellomont in this whole matter. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, George Stepney. *Annexed*,

357. ii. Abstract of Lord Bellomont's information, referred to in his letter of Feb. 28, 1700, relating to a conspiracy of the Indians. [*Board of Trade.* New York, 54. *pp.* 198–213; *and* (*rough draft*), 44.A. *Nos.* 41, 42.]

April 24. **358.** Journal of Council of Trade and Plantations. Letter to Lord Bellomont concerning New Hampshire, signed.

Representation about the conspiracy of the Indians signed and sent to Lord Jersey.

April 25. Ordered that the Muster-rolls of the Companies at New York (Feb. 28th) be delivered to Mr. Champante, that he may put them into the proper offices.

Letter from Lord Bellomont, March 8, read.

Letter from Mr. Addington, March 1, together with the Minutes of Council of the Massachusets Colony, Sept. 7–Dec. 14, 1699, read.

Papers relating to the misdemeanours of the Government of Rhoad Island ordered to be sent to Mr. Attorney and Mr. Solicitor General.

April 26. Ordered that, as there may be occasion to write to the Governors of His Majesty's Plantations, they be directed to send all private Acts under several seals, separate and distinct from those that are public. [*Board of Trade.* Journal, 13. *pp.* 14–16; *and* 97. *Nos.* 76–78.]

April 24. **359.** Minutes of Council of Virginia. Capt. Passenger, reporting that Mr. Broadbent's sloop was unfit for service, was ordered to make enquiry for another, and in the meantime to cruize in the Bay of Chisapeake and about the capes thereof for the defence of the Colony against pirates, this being the most dangerous time for them coming upon this coast.

The Trustees and Governors of the College of William and Mary having made an offer to His Excellency and the Council of whatsoever rooms within the said college shall be wanted for the use of the country to hold their General Meetings and

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Assemblies till the Capitol be built and fitted for that purpose, it is thereupon ordered, that the present General Court, at the end thereof, shall be adjourned to sit at the said college in October next.

Warrant ordered to be prepared for the execution of John Ide, convicted of murther.

Warrant ordered for the release of George Young, clerk, from imprisonment for a clandestine marriage.

Commission ordered for Robert Pit to be Sheriff of Accomack County in place of George Nicholas Hack, lately become *non compos mentis*.

Upon the petition and submission of William Byrd, a fine of 500lb. of tobacco, laid on him by the County Court of James City, was remitted.

April 25. Richard Lee, Naval Officer of the lower parts of Potomack River, reporting that the *Thorowgood* of Lynn is lately come into that district without any register, but only a letter from the Commissioners of Customs, Oct. 16, 1699, certifying that she was registered in London, Dec. 24, 1697, ordered that he take good security before permitting her to trade, and keep the original letter referred to, giving the Master an attested copy.

Ordered that it shall hereafter be sufficient for the Collectors and Naval Officers of Potowmeck River and the Eastern Shoar to attend the Auditor and Governors of the College of William and Mary once a year at October General Court for the making up of their accounts, provided they take care to transmit their accounts and moneys from time to time as directed to the Auditor and said Governors.

Mr. Secretary Wormely excused himself by letter for his absence this General Court.

Mr. Auditor Byrd ordered to prepare a scheme of the best method of collecting the public revenues and lay it before the Committee appointed to revise the laws.

The Collectors and Naval Officers presented to His Excellency a paper representing that they take the Lords Justices' Instructions to be sufficient for the detection of illegal traders, and that they have at all times had due encouragement from the Government. The Judge and other officers of the Court of Admiralty made a similar representation.

Warrants signed on the 2*s. per hhd.* for salaries of the Governor, Council Officers, *etc.*

Mr. Auditor Byrd ordered to send for England for six ream of ruled paper for the Council office.

His Excelleney laid before the Council several papers relating to the clergy of the colony, which were ordered to be laid before the Committee for revising the laws, who were also recommended to consider the most proper method for the building of a public prison, and to prepare an Act for ascertaining what shall be a sufficient proof of any writing transmitted hither from foreign parts. [*Board of Trade.* Virginia, 53. *pp.* 413-420.]

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April 26. Whitehall. **360.** William Popple to Attorney and Solicitor General, forwarding for their information papers dealing with the misdemeanours of Rhode Island. *Annexed,*

360. i. List of papers enclosed. [*Board of Trade.* Proprieties, 26. *pp.* 194–201.]

April 26. **361.** Journal of Council in Assembly of Maryland. The Council approved of His Excellency's proposed Address to the Assembly.

H.M. Order in Council, Nov. 30, 1699, for repealing the Act of Religion and the Act ascertaining the Laws, laid before the Council.

His Excellency acquainted the Council with his proceedings in the incomplete Council, April 4, which were approved.

His Excellency approved of Mr. William Taylard, whom the Assembly chose to be Clerk of their House. The Assembly attending His Excellency in Council, the Governor delivered his Address to them. He hoped the good understanding between them would be continued. Since the last Assembly, ten months ago, he had not entailed 10*l.* charge upon them. The repeal of of the Act for establishing the Protestant religion gave, he said, no room for any suggestion that it was dissented to upon any other ground than that mentioned, it being clogged and loaded with things of different natures, which he hoped they would wisely correct.

April 27. John Pollard, J.P., ordered to examine George Bayns, Capt. John Taylor and Henry Hooper upon oath as to what they know about Capt. Bradshaw's reported running of 22 negroes on the shore side in Dorchester and Somerset without giving any account thereof. The Assembly replied to the Governor's Address. They gratefully acknowledged His Excellency's care and economy. They promised to endeavour so to adjust the Act of Religion that His Majesty would at length be able by law to establish religion amongst them according to the Church of England. They never had the least apprehension of His Majesty obstructing their liberty. The Governor and Council replied, recommending the Bill to establish religion to their first consideration. [*Board of Trade.* Maryland, 14. *pp.* 495–512.]

April 26. **362.** Journal of the House of Delegates of Maryland. Writs of election of delegates in place of Michael Miller and Symon Willmore, deed., Kent County, of George Ashman, Baltimore County, and of John Carvill, now High Sheriff of Cecil County, ordered. *And see preceding abstract.*

April 27. Leave of absence granted to a Justice of Kent County to go to hold Court for an election. *And see preceding abstract.* [*Board of Trade.* Maryland, 15. *pp.* 483–490.]

April 27. Barbados. **363.** Governor Grey to the Council of Trade and Plantations. Enclosed are attested copies of the depositions of Capt. Richard Gilbert and Mr. Dominick Arthur, lately arrived from Carthagena and Portobell, relating to the Scotch settlement at Darien and

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the Spaniards' resentments and proceedings in order to suppress them. *Signed*, R. Grey. *Endorsed*, Recd. June 28th, Read July 17, 1700. ¾ *p. Enclosed*,

363. i. Deposition of Richard Gilbert, Commander of the *Resolution* sloop. Barbados, April 23, 1700. On Jan. 7 he left this Island bound for Carthagene and Portobell, where he was informed by several persons that there were three Scotch vessels at Darien, and that there were then upon the place between 1,000 and 1,500 Scotchmen, and that at Carthagene and Portobell the Spaniards had made what force they could and had fitted out several ships, which were gone to suppress them. The Spaniards expected a considerable land force to join them from Penema. He was afterwards informed that the Spaniards, upon their arrival at Darien, sent proposals to the Scotch to surrender, promising them that they should have good quarter, provided they would quit their pretensions to the place, else they should have no favour or quarter. The Scotch replied that they were about their masters' business and that the right and property of the place lay in them. *Copy.* 1½ *pp.*

363. ii. Deposition of Dominick Arthur, Supercargo of the *Resolution*. April 23, 1700. At Portobell he heard that there were about 1,000 Scotch at Darien, and that there were fitted out at Portobell seven sail of Spaniards, great and small, which carried 1,000 men, and that 1,000 Spaniards were coming by land from Penema to assist in opposing the Scotch. He was informed there were three sail fitted out with Spaniards from Carthegene, in which was the Governor of the said place, and set out to join the other fleet. Upon his second arrival at Carthegene, there came in a Captain of one of those ships that set out from Portobell, who gave an account of the Governor's landing at Darien with some force, but what passed there he had no account; but said that a Jamaica sloop, which had been seized by the Spaniards, was sent to Portobell for men and provisions; the Spaniards were beating up for volunteers, when he was at Carthegene. On the several parts of the coast where deponent had been, the Spaniards had the notion that the Scotch were relieved by the English, notwithstanding he took all opportunities to assure them the contrary and that several proclamations had been issued discountenancing them. *Copy.* 1½ *pp.* [*Board of Trade*, Barbados, 8. *Nos.* 53, 53,i., ii.; *and* 15. *pp.* 91-95.]

April 27. **364.** Minutes of Council of New York. Proclamation ordered forbidding the keeping of houses of entertainment and sale of strong liquors without a licence. [*Board of Trade*, New York, 72. *p.* 312.]

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April 27. Whitehall. **365.** Earl of Jersey to Council of Trade and Plantations, referring for their opinion the enclosed petition. *Signed*, Jersey. *Endorsed*, Recd. Read April 29, 1700. 1 *p.* *Enclosed*,

365. i. Petition of Thomas, Earl of Lymerick, to the King. Petitioner, being desirous to retire to and pass the remainder of his life in America, prays for the grant of a tract of land called Pemaquid, formerly the private estate of the late King James, and yielding little or no benefit to your Majesty. ½ *p.* [*Board of Trade.* New England, 10. *Nos.* 33, 33.i. ; *and* 38. *pp.* 13, 14.]

April 28. Philadelphia. **366.** William Penn to the Council of Trade and Plantations. Noble friends, I have three weeks ago received yours by Capt. Bond, by way of New York, and the duplicate from Governor Blackiston ; they were very long on their way, being as old as September, but the duplicate came first. The Lords Justices' commands have been obeyed. I have displaced David Loyd from the station of Attorney General and that of Clerk of the Peace for this town and county, and intend his prosecution so soon as the Quarter Sessions come, and have given Col. Quary notice of it, to make good his charge, but for whom the business had been done long since, for several times I told him I was ready to shew my duty to the King in that affair. He told me he had not yet received any orders, and supposed I had not, and if it died on that side the water, he had no disposition to continue the animosity here; adding, he knew his usefulness in this place, and that besides him there was only Jno. Moore, Advocate of the Admiralty, his antagonist, and that he was much needed and trusted in the estates of the people, and that it might be very detrimental to them, as well as a present obstruction of the course of Courts, he being the alone man versed in the law, that knew how to keep them regularly. This, and the want of instructions, postponed his full disgrace. You may be sensible how hard a task is set me in a country under the circumstances this is, and I am also. But tho' he denies the fact in part, and the aggravation and venom of it wholly, I have shewn him my resentment, I believe, equal to your wish, and therefore not short of my duty. I have sent the two pirates and their treasure to New York, with my L.G.'s affidavit that it was all. Robt. Bradinham, Kidd's doctor, was, of those two, the only owner of the treasure, Evans being poor, has but 100*l.* upon a mortgage in all, and that has two or three executions upon it, for meat, drink and clothes. I am apt to think, also, he was cleared at the Old Bailey, when Oldfield, etc., were condemned, as being forced by Every, off the Isle of May, out of a merchantman. The account of what goes with Bradinham is enclosed, the original I sent to Lord Bellomont. Evans was never at sea since but to come hither for some money he had left in this Province, where he had several relations. He produced a printed paper of his clearance, no bill being found against him. But that being but a Sessions paper, and no other authentick voucher appearing, tho' Capt. Harrison of this River

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saies he was present, my L.G. thought fit to clap him up. I gave him money out of my own pocket to buy him some small necessaries for his voyage. There was also one William Stanton that was taken with Bradinham, who made his escape, and went home from New York in Capt. Warry or Wake, leaving behind him about 60*l.* sterl., upon which divers claims have been made. He was prosecuted to an outlawry and the money of course due to me, but I shall apply it to the great charges of pursuing, securing and transporting these pirates to New York, 110 miles from hence. He was none either of Kid's or Every's crew, but pretended to have been a fair, open trader to Madagascar. John Eldridge and Zion Arnold were also taken by Col. Quary in this Government, tho' sent by him to Burlington Goal. Their treasure, I think, amounted to 4,700 pieces of eight; Bradinham's above 2,000 as per inclosed acct., beside other silver and gold. So that what treasure or effects go with those eight or nine pirates came from this Government, and was here taken, which I hope will not be understood in our disfavour.

I have also seized James Brown, a planter about four years, that pretends only to have been a passenger in Every, and indeed so said two of Every's crew, Chinckton and Lacy, as divers magistrates did attest before me. But the owners of the ship he went out in being Bostoners, I have sent him to the Earl of Bellomont. His Plantation etc. is not worth 200*l.* There came lately to my notice this information, that when Capt. Kidd was off our capes, there went on board him one Geo. Thomson, Peter Lewis, Henry Stretcher, Willm. Orr, and Diggory Tenny from Lewis in Sussex; the three first stayed on board 24 hours, the two last but an hour, but both companies brought goods on shore, I hear to the value of 300*l.*, which they concealed and sold as they could dispose of them. Some are yet in their custody. Thomson, Lewis and Orr were under suspicion of being old pirates, whose camerades have long sown themselves in Boston, Road Island, New York, Jersey, Pensilvania, Maryland, Virginia and Carolina, where their Capt., one Reiner, now lives, and, Col. Quary tells me, he bought their ship. They were 84 in company; here are five of them in this Government, but three of them have followed a life of husbandry, turning planters, the other have trades. I knew not of this action till this day three weeks, and dispatched away the Sherif of this county with orders to the magistrates and Sherif of Sussex County, near one of the capes, 150 miles from this place, to take again into custody the said Thomson, Lewis and Orr, as also Stretcher, having seized Tenny here, (for Thomson, Lewis and Orr were then upon bail, having been apprehended by my order two months before upon old stories). They all affirm they knew not it was Kidd, but Samuel Wood, who, with four men, came on shore to mend an iron belonging to the boom of the sloop, pretending they were come from Antigua and bound up for Philadelphia with sugar, rum and molasses, and that Sam. Wood was Master, one that had been Master of a sloop formerly in this river. I have examined the men, all now in gaol here; they plead their willingness to

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get a penny, after being plundered, as was all the town, by a French privateer but a year before, not knowing of any proclamation against Kidd, and that they had the goods of Sam. Wood and one Gillam, and that it was not purchase but gift. But I find whatever they sold, half should be theirs. They offer to deliver up the goods they had, or value, and give good security to behave well, and to be forthcoming when the King's commands shall be known. It is true they are poor and married men and have children, but such men must not be endured to live near the sea-coasts nor trade, lest they become receptacles and broakers for younger pirates. Our present law will hardly reach them, looking only forward for such as commerce with pirates; our former, that would have done it, being disliked at home, was repealed, and the General Assembly that made the last would by no means look back, lest honest people might be affected, since many of those reputed pirates had some years ago been permitted to live in this and other Provinces, on condition that they left them not without leave and behaved well while they staid. I wait the King's Orders about them. I have them all under good bonds, and so suffer them to live with their families on their plantations till I receive further directions.

You cannot easily imagine the difficulties I lie under, what with the King's affairs, those of the Government, and my Proprietary ones. No King's Governor, without vanity, has had more care and vexation, tho' I receive nothing from the Crown to support me under it. The money sent from this Government is, as I conceive and lawyers tell me, a royalty of my grant, having all these forfeitures that belong to the King in his more immediate Colonies; nothing being reserved from me, save allegiance and quit-rent, appeals and approbation of laws. As for the people here, they are soured to see their accusers believed, and think themselves both innocent and meritorious. However, 'tis I that pay the reckoning, for instead of a free and flowing regard to my long expensive circumstances, both in beginning and preserving this Colony and Government at the clear expense of above 24,000*l.* sterl. (for the truth of which I can take my solemn attest), besides the loss of time, hazards run, interest employed and fatigues endured 19 years, they are very cool in considering my circumstances, thinking themselves injured in their reputation and unsafe in their interests, believing the common law to be overruled by the Admiralty Office, and that the King is to give way to the Admiral, in that the Admiralty swallows up half the Civil Government by allowing no Corpus Comitatus, tho' planted 150 miles up the bay and river, and that their vessels are taken from their wharfs and keys, and their properties judged away from them without a jury, and by those, too, that they say have aggravated their weakness into guilt and interpreted their inadvertencies design, and are accused without distinction; that they came hither to have more and not less freedom than at home. These and the like expressions are known to Col. Quary to be often uttered, and I am but too sensible of it in my own interest. But that which

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most of all moves them in this regard is not only that the Admiralty observes no such thing as Corpus Comitatus, notwithstanding so many towns along the river, but will bring into their Courts, which they say are four times more costly than those of the Common Law, every private cause that relates to any vessel; further alleging that it is not thus in the King's immediate Governments. I did hope that, not any more intermedling with what regarded the King's affairs, as fraudulent trade etc., our Civil Courts might by juries decide all the rest as formerly, which they will have to be the right of the English subject at home, and therefore it should not be denied them here, in that more and not less privileges seems the reason of such grants for planting these wildernesses. Pray help me to explain this head more satisfactorily, for I am often closely attacked upon it. As for piracy, I must needs say that if Jamaica had not been the seminary, where pirates have commenced Masters of Art, after having practised upon the Spaniard and then launched for the Red and Arabian Seas, and at Madagascar have found a yearly supply of flower and ammunition from some of our neighbouring Colonies, that has perhaps in ten years time got a million by it, and then have returned these fellows upon us and our coasts, to us unknown, we had never had a spot upon our garment. And as we never traded with those suspicious places, so we have last General Assembly made a law to forbid any trade to Madagascar or Natal under any pretence whatever, to prevent jealousy.

Both Bradinham and one Hickman, that are now to be embarqued, pretend to discover the methods by which this trade is carried on, and how to prevent it; if they deserve well of the King, to be sure they will find the advantage of it, for there is something more than hanging that must cure this deadly poison, of which I may in 20 dayes' time humbly propose for the King's consideration.

I wrote that I had sent a copy of the Laws to Secretary Vernon, but my packet missing the opportunity, I have recovered it and send it herewith. You will see we have obliged the King's Officers to see the hhds. of tobacco weighed, just before shipping, which before, by instructions from Edwd. Randolph to the Collectors, were to pass at 350 and 400 lbs. by content, whereas they were seldom under 6 or 700 lbs. and many 8 or 900, by which the King was defrauded of near half his revenue, which would have cleared the charge of the officers in this bay and river, with some overplus for contingencies, whereas now I fear there is but a spare and lean account given into the Commissioners of Customs from this place of what has been received by that gentleman for many years past. The Act of Parliament implies the tobacco must be weighed, or how should the King come at his penny per pound? And if this strictness should lessen the trade of tobacco for the West Indies and our neighbourhood, the more goes for England, where the revenue of the Crown is much more benefitted. I have been very warmly urged, and the Council too, by the pirates for a trial, alleging

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that I had the King's commands to make such a law, and that, in pursuance thereof, we past one, and yet the subject has no relief, but is denied the benefit of it, and sent for England upon a letter from the Secretary of State, tho' a legal provision be made in the case. I send one of their petitions. My meaning is to know the King's commands in case of a fresh crew, whether they shall be sent home or tried here, for we hear of 20 sail up and down the West Indies, but not of force of guns, but men, yet one of them, they report, carries 24 guns; a brigantine of about 70 tunn and 50 men carried off a vessel belonging to Liverpool, of 300 ton, but partly by Covin. There are two or three more vessels taken about the same time, loaden with provisions; from one of them, I think the Liverpool ship, they took what they wanted, cut her masts by the board and turned her adrift. She is arrived, however, safe in Virginia, her intended port. I have writ to have one, of two Lieutenant Governors in my eye, named to you, in order to have the King's approbation. I must again remind you of the burthen we groan under for want of a short clause that those called Quakers in the Plantations may register their vessels upon their customary attestation in other cases, as freely as if they took an oath. I heartily beg your favour in this affair, as well for the service of trade in general as for the inhabitants of this Government. And since you are the King's Council of Trade and Plantations, pardon me if I say it seems to me to be your peculiar province to represent and recommend it for our relief. *Signed*, Wm. Penn. I have been forced to another's hand, by reason my own letter was, by accident, not fit to send. 14 *pp. Enclosed*,

366. i. Abstract of preceding. 3 *pp. Endorsed*, Recd. 25 June, Read 26 July, 1700.

366. ii. Deposition of Wm. Markham, late Governor of Pennsylvania, concerning the treasure seized by him belonging to Robert Bradinham, imprisoned on a charge of piracy. April 8, 1700. *Copy.* 1 *p. Same endorsement.*

366. iii. Duplicate of preceding.

366. iv. Memorandum of Acts of Pennsylvania, 10 Feb. $\frac{1699}{1700}$. $\frac{1}{2}$ *p.* [*Board of Trade.* Proprieties, 5. *Nos.* 43, 43.i.–iv.; *and* (*without enclosures*), 26. *pp.* 271–285.]

April 29. Skinners Hall. **367.** Wm. Thornburgh to Wm. Popple. I have communicated your letter to the Lords Proprietors of the Bahama Islands, who could not but believe that the Council of Trade and Plantations were entirely satisfied with the bond Mr. Haskett hath already given, especially considering the Lords Spiritual and Temporal required security from the Governor only. (*See Cal.* 1697. *No.* 820). *Signed*, Wm. Thornburgh. *Endorsed*, Recd. Read April 30, 1700. $\frac{3}{4}$ *p. Enclosed*,

367. i. Math. Johnson to the Proprietors of the Bahama Islands, 22 Feb., 1696 (7). The Lords Committees desire that you will agree to settle a certain allowance upon the Governor, and that he may be obliged to

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give security such as is proposed by the Representation of the Commissioners of Trade. *Signed*, Math. Johnson, Cler. Parliamentor. *Copy.* ½ *p.* [*Board of Trade.* Proprieties, 5. *Nos.* 44, 44.i. ; *and* 26. *pp.* 201, 202.]

April 29. Whitehall. **368.** Mr. Secretary Vernon to Lord Lexington, enclosing, for consideration of the Board by Wednesday next;

368. i. Alternatives proposed by the French Ambassador, with regard to the French and English boundaries in America :—I propose (*a*) that France should keep Fort Bourbon and England Fort Chichitouan, the place, which I believe is called Cape Henrietta Maria, half-way between the two, to be the boundary. In this case the French boundary on the side of Acadie would be drawn at the River St. George ; (*b*) that France should have Fort Chichitouan and the English Fort Bourbon, with the same boundary, but that in this case the French boundary on the Acadie side should extend to the River Quinibiquy.

As to fishing, since all commerce between the two nations in the colonies is forbidden, and since, under pretence of fishing, there would not fail to be contraband traffic, it is thought that, in accordance with the custom already established in those parts, fishing should be forbidden out of sight, fixing the distance at eight leagues, and that for the same reasons the islands included in that space should belong to the nation to whose coast they are nearest. *French.* 1½ *pp.*

368. ii. *Observations by the Council of Trade and Plantations on the foregoing proposals.* What the interest of the Hudson's Bay Company may be in keeping Fort Chichitouan, *alias* Fort Albany, or exchanging it for Fort Bourbon, *alias* York Fort, they themselves can best determine. As for the equivalent proposed by the French upon the confines of New England, in case of their keeping Fort Bourbon, *alias* York Fort, the English boundaries in those parts ought by right to extend to Ste. Croix eastward ; at least there is no colour for the French to pretend any right westward beyond the River St. George, so that the pretended equivalent in settling the boundaries between the French and English on the River St. George is none at all, and would in effect rather deprive us of our right than add anything unto it. The proposal for settling limits between the English and French in Hudson's Bay is groundless, for by the late Treaty of Peace, the only right reserved to the French in Hudson's Bay is in relation to those places which were taken from the English by the French during the peace which preceded the late war, and retaken from them by the the English during the war, which cannot imply any

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extent of territory more than the places so taken and possessed; and the Hudson's Bay Co. challenging an undoubted right to that whole bay, antecedent to any pretence of the French, it is necessary they be consulted before any concession of territories be made to the French in those parts. 1½ *pp. The whole endorsed*, Read. Read April 29, 1700. [*Board of Trade.* New England, 10. *Nos.* 34, 34.i., ii.; *and* 38. *pp.* 10–13; *and* Hudson's Bay, 3. *pp.* 87–90; *and* (*Memorandum of above*) 2. *No.* 25.]

April 29. **369.** Journal of Council of Trade and Plantations. Ordered that the Secretary send to Mr. Lowndes a copy of H.M. Order in Council, April 11, relating to the irregularities of Rhoad Island and desire him to move the Lords of the Treasury to direct their solicitor, Mr. Baker, to attend Mr. Attorney and Mr. Solicitor General for expediting the effect of the said Order.

Capt. George Brook presented H.M. Order in Council, April 18, with a letter from the Duke of Schonburgh to the Board, recommending him as a fit person for the government of the Bermuda Islands.

Mr. Champante with Mr. Baker, Solicitor of the Treasury, on the one side, and Mr. Basse on the other, attended the Board for advice about a Rule of Court to be agreed unto by both parties in Mr. Basse's action *v.* Lord Bellomont for seizing the *Hester* at Perth Amboy. Whereupon their Lordships directed them to settle it so that the right of Government pretended to by the Proprietors of the Jerseys may be brought into the same question, and they promised to advise together and take measures accordingly.

Ordered that the Secretary acquaint Sir Charles Hedges that their Lordships desire to speak with him, so soon as he thinks fit, about the late Act for the more effectual suppression of pirates.

Letter from Mr. Day, L.G. of Bermuda, Jan. 29, read. The papers referred to in it were laid before the Board.

Letters from Mr. Randolph, Bermuda, Jan. 3 and 29, read.

Abstracts of above letters ordered to be prepared, to be offered to H.M. in Council as there may be occasion.

Letter from Lord Jersey, April 27, read. Copy of the Earl of Limmerick's petition ordered to be sent to Sir Henry Ashhurst for what he may have to offer thereupon in relation to the interest of the Government and Colony of the Massachuset's Bay.

Lord Lexington communicated to the Board a letter from Mr. Secretary Vernon, enclosing the proposals of the French Ambassador relating to the limits between the English and French in America, which was read and some observations made thereupon, which may be fit to be considered in treating with the said Ambassador upon that subject.

April 30. Letter from Mr. Thornburgh, April 29, read, and answer directed.

Letter from Sir William Beeston, Feb. 1, read. Upon the

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paragraph relating to runaway negroes detained by the Spaniards, resolved to take the whole matter of runaway negroes, as well in relation to the French as Spaniards, into consideration on Friday. Directions given for preparing an answer to the rest of the letter.

Letter and papers from Mr. Grey, Feb. 28, read. Answer directed.

The Earl of Stamford and Lord Lexington acquainting the Board that the House of Lords before their rising had ordered that this Board may have the use of the Books of Entries inwards and outwards for some years, which were prepared by the Commissioners of the Customs, ordered that the Secretary call upon Mr. Walker, one of the Clerks of the House of Lords, for the said books, and give a receipt for them.

Ordered that Sir Edmund Andros be desired to attend.

Representation upon the Jamaica Act, obliging patentees to reside, signed.

Memorandum ordered that the Board have agreed that, upon any vacancy in the Council of Barbadoes, Mr. Drax shall be the first named to supply it. [*Board of Trade.* Journal, 13. *pp.* 17–22; *and* 97. *Nos.* 79, 80.]

April 29. **370.** Journal of Council in Assembly of Maryland. Petition of Mr. Gerard Slise, of St. Mary's County, craving consideration for damage he sustained in the late Revolution, was referred to the delegates.

His Excellency proposed that His Majesty's mercy should be extended to two burglars under sentence of death, this being their first offence, and having stolen but a trifle. The Board advised His Excellency that in case he should be informed of any other evil practices done by them, they should be executed, for that so many burglaries are so daily committed in this Province, that some public example was absolutely necessary.

His Excellency and Council committed to the Delegates Lord Bellamont's report of the threatened insurrection of Indians. "If the Five Nations should withdraw their obedience to the King, I fear Virginia and your Province could not subsist many months, where you have no towns to be a retreat and security to your people." The Delegates were invited to propose measures for the defence and security of the Province.

His Excellency communicated to the Delegates H.M. Order in Council for dividing land mentioned therein, and asked for their opinion as to whether the expense of dividing it should be borne by the disputants or the public.

His Excellency laid before the Board the letter of the Council of Trade and Plantations, Sept. 20, 1699, and proposed that some order might pass for the Sheriffs and Constables to take a list of the inhabitants, their religion, families, slaves and servants, which he had not as yet been able to procure by reason the Constables and others appointed are so ignorant and illiterate. He had now sent a specimen to each Sheriff directing how the lists should be taken. Ordered that the Sheriffs take effectual

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care to return them, the Constables being generally poor people that can neither read nor write.

His Majesty's commands about pirates, Nov. 10, 1699, and the letter of the Council of Trade, Nov. 13, 1699, read.

The Delegates announced that they did not think the public ought to be at any part of the charge for running out the divisional line between Lord Baltimore and the Hon. William Pen. They had no apprehension of any danger from the Indians, but would always be ready to comply with what was necessary.

Mr. Philemon Lloyd took the oaths and subscribed the test and association as a Delegate of Talbot County.

George Plater, Naval Officer, sworn to his accounts.

April 30. Petition of Robert Carse read and referred.

Some of the arms, which His Excelleney sent for, were brought for the Board to view, and were approved of. One hundred more were ordered from London, and also "seven small guns and four Union Flags, that we may shew our loyal regard to His Majesty upon his birthday and hoist a flag to any ship that comes into this harbour." The Council submitted to the Delegates an account of the late treaty with the Indians, and asked them to consider (1) whether it be not proper to renew the former ordinance for deciding any petty quarrels between them and adjacent Indians by appointing two judicious persons near them for that purpose, as His Excelleney had promised them; (2) whether it is advisable to continue the Rangers on the frontiers after the Indians shall come in and settle, and, if so, how many. His Excelleney has thought fit the last winter to lessen the number from 20 to 10. (3) If the Indians do return and settle as before, whether it may not be advisable to cause that new-built fort to be demolished, to prevent them or other Indians from settling it, and, if so, to consider the method and charge of doing so. (4) Whether, since they are not yet actually come in, it be not advisable to appoint a standing Committee of their House to join with His Excelleney and Council for the safety of the Province in case of any emergency, as formerly. (5) Whether it be not requisite to renew the former order to some persons to treat with those Indians at the head of the bay, since those before appointed have done nothing therein, which is believed here to be a matter of great consequence. The Council recommended, according to H.M. Instructions, to the Delegates the provision of a store-house to secure the public arms, etc., and of a keeper thereof. Attorney General ordered to assist the Committee of Laws in drawing up an Act for the establishment of the Protestant Religion. [*Board of Trade.* Maryland, 14. *pp.* 512–522.]

April 29. **371.** Journal of House of Delegates of Maryland. His Excelleney's addresses and the reply of the House ordered to be printed. Committee of the House ordered to thank Dr. Bray for his good services, "and also for that excellent sermon he was pleased to give us yesterday." Writ for election of Delegate for Baltimore County in place of Mr. Thomas Stayley, now High Sheriff, ordered. Proposals of a member for the advancement of

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money in this Province were referred for consideration. Election of John Nutwell for St. Mary's County declared void, the writ not having been duly executed. New writ ordered. An express order was sent to Mr. Blake, High Sheriff of Calvert County, for the counterpart of the indenture of the election of William Parker. Mr. Wm. Bladen ordered fully to explain his petition. *And see preceding abstract.*

April 30. Committees for revising the Act of Religion and inspecting the public accounts appointed. *And see preceding abstract.* [*Board of Trade.* Maryland, 15. *pp.* 490–498.]

April 30. Whitehall. **372.** Council of Trade and Plantations to the King. We humbly lay before your Majesty an Act past in the General Assembly of Jamaica, June last, for obliging Patentees of Offices to reside within that Island; whereby it is enacted amongst other things that, upon the non-execution of any Patent place by the Patentees in person, the Governor or Commander in Chief of the island, by and with the advice and consent of your Majesty's Council there, may appoint some other fit person to execute the same, who shall take the whole profit thereof without refunding any part or rendering account to any Patentee or other person whatsoever; and wheras the said Act seems to have been occasioned by your Majesty's Order in Council, Feb. 16, 1698, upon our humble proposal, which we conceive very necessary, we are nevertheless humbly of opinion that your Majesty be pleased to repeal and disallow the foresaid Act as being derogatory to your Majesty's Royal Prerogative of granting patents and of directing what may be necessary in relation to the same. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Jamaica, 57. *pp.* 44, 45.]

May 1. Nevis in America. **373.** Col. Foxe to Mr. Blathwayt. I received a letter from you at Portsmouth with an enclosed to Capt. Dellaval, L.G. of Mountserat. I answered that which I hope came to your hands. Upon my arrival here I found everything extraordinary out of order as for the King's service. The first thing I undertook was to desire that the Council and Assembly might meet, where I produced H.M. Commission to me as Lieut. General, which gives me the absolute command in the absence of the General, with the mandamus to be of the Council of the Leeward Islands, which are at present under my Government. I having received complaints that the soldiers of my regiment were turned out of cover for quartering of them, which you know is not denied in any part of the world, I made my address to the Assembly; their answer was that there being no Act of Parliament in England for quartering of soldiers, they would not be obliged to it, so if the men did not work in the fields with the negroes they would give them no house room. Mr. Ward, one of the Assembly, as my Lt. Col. informs me, had the insolence to say that if there was no Act of Parliament for quartering of the soldiers, he'd **** his **** with the King's orders. I have corrected him as far as I could. He was Lt. Col. to Col. Sanderson, and was

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broke by a Council of war for speaking things not for H.M. service. I found I could do no good here, therefore I took my progress to produce my Commission, and to be sworn in the several Islands. I found the same complaints and was equally denied, till they solicited me to pass some Acts that I found were for their own advantage, which I resolved not to do till they had given the soldiers house-room and done everything that was for H.M. service, upon which some of the Islands have made an Act for three months, and some for six, for quartering of the soldiers, and after my return to this, they did with difficulty consent to give them cover for three months. Sir, I hope you'll represent this to His Majesty, how ill any man that bears his Commission is used by these villains, and I wonder it is so, since everything, if it was rightly lookt into, depends absolutely upon his Majesty's favour. I was mightily surprised two days ago when President Burt told me that he had received orders from the Lords Commissioners of Trade, and in particular from you for his commanding here. You must pardon me if I can't believe that such an order can come from a Board where my commission is entered, for the words in that give me the absolute command in the absence of the General, and it would be a neglect in me if I should not make use of that command, which His Majesty has done me the honour to give me.

I discoursed Capt. Dellavall about what Capt. Harbin left, and showed him your letter to me; he tells me that he'll make a fair account and return it to England to you. *Recommends officers for Commissions. Signed*, Edw. Foxe. *Inscribed*, His correcting Ward well done. 3 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 60; *and* 46. *pp.* 44–47.]

May 1. Whitehall. **374.** Wm. Popple to Wm. Thornburgh. The Council of Trade and Plantations do not understand how the Lords Proprietors of the Bahama Islands should imagine they could be satisfied with Mr. Haskett's giving security to one of the said Lords Proprietors, as having been done in pursuance of the Order of the Lords' Committees, Feb. 22, 1696(7), whereof you now send me a copy, when it is not conformable to the Representation of this Board, unto which the said Order refers, and much less conformable to the subsequent Address of the Lords Spiritual and Temporal in Parliament, March 18, 1696(7), which was the final result of the proceedings of the foresaid Lords' Committees. (*See Cal.* 1697. No. 820.) This being the ground of my former letters, their Lordships are surprised at your answers, and desire you to lay the matter again before the Lords Proprietors for a positive resolution therein, that they may represent to His Majesty as they shall find expedient. [*Board of Trade.* Proprieties, 26. *pp.* 203, 204.)

May 1. **375.** Sir Henry Ashhurst, Bart., to the Council of Trade and Plantations. I count myself obliged to your Lordships for giving me notice of the Earl of Limerick's petition, and shall transmit it to Lord Bellomont, Governor of the Massachusets

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Colony, and shall *per* the first conveniency expect their fuller answer. In the meantime I most humbly lay before you that Piniquid is part of the lands granted by charter under the Great Seal to the Massatusets Bay, the words of which grant to them "all that tract of land which lyeth between Nova Scotia and the Province of Main," in which tract Piniquid lies. The Government there hath been at great charge in building a fort there, looking upon it as the most convenient place to secure that Province from the murthers of the Indians. *Signed*, Hen. Ashhurst. 1 *p. Endorsed*, Recd. Read May 1, 1700. [*Board of Trade.* New England, 10. *No.* 35; *and* 38. *pp.* 15, 16.]

May 1. Treasury Chambers. **376.** William Lowndes to William Popple. The Lords of the Treasury desire you will forthwith transmit an account of all the particulars which will come within the 800*l.* required to be laid out in buying presents for the Indians. *Signed*, Wm. Lowndes. *Endorsed*, Recd. 1st, Read 2nd May, 1700. 1 *p.* [*Board of Trade.* New York, 9. *No.* 27; *and* 54. *pp.* 213, 214.]

May 1. **377.** Minutes of Council of New York. Trials of Martinus Lamberse and Frederick Platt for murders ordered.

Order that the Gentlemen of the Council view the new buildings in the fort, which Col. Fletcher made, and report what is wanting to finish the same.

Ryer Schermerhoorn was appointed an assistant to the Judge of Common Pleas. Lands ordered to be surveyed according to the petition of John Hutchins and others. [*Board of Trade.* New York, 72. *pp.* 312, 313.]

May 1. **378.** Journal of Council of Trade and Plantations. Sir Edmund Andros answered several enquiries as to the boundaries between the English and French in the eastern parts of New England, to the same effect as himself or others had formerly informed this Board, the substance of which is comprised in a letter from the Board to Mr. Sec. Vernon, Feb. 17, $169\frac{8}{9}$.

Sir Thomas Day was granted copies of papers lately received for the vindication of his son, Governor Day.

Draught of a letter to Mr. Thornburgh agreed upon, and given to Capt. Hasket, who attended desiring the dispatch of that business.

Memorial from Sir Henry Ashhurst, upon Lord Lymmerick's petition relating to Pemaquid, read, in which their Lordships observing what he writes about the Government of the Massachusets Bay having built a fort there, ordered that the Secretary write to him to know whether or no that have been done since the fort in that place was taken and destroyed by the French during the late war; and further signify to him that their Lordships understanding he had writ a letter to the General Assembly of New England, which had occasioned some disorder there, do desire he would let them have a copy of it.

An abstract of Mr. Day's and Mr. Randolph's letters, Jan. 29, was given to Mr. Blathwayt, together with the letters and papers

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themselves, to be made use of to-morrow in Council as occasion shall offer.

May 2. Lord Limmerick desiring to know their Lordships' resolution upon Lord Jersey's letter relating to his petition for a grant of Pemaquid, was told that all the country between Nova Scotia and the Province of Main, which includes Pemaquid, is already granted by the King to the Government of the Massachusetts Bay, with power to that Government to make particular grants, under a proviso of His Majesty's approval.

Letter from Mr. Lowndes of May 1 read. Copies of accounts in the books of this office relating to presents formerly sent to the Indians ordered to be prepared. [*Board of Trade.* Journal, 13. *pp.* 22–25; *and* 97. *Nos.* 81, 82.]

May 1. **379.** Journal of Council in Assembly of Maryland. Joint Committee appointed to consider Indian affairs, the provision of a public storehouse and "some convenient place to secure the public library."

May 2. Naval Officers ordered to bring in their accounts. Samuel Young appointed public Treasurer of the western shore, in place of Robert Mason, his place of habitation being more convenient.

The Military Officers ordered to take care of the public arms in the counties, the cost to be defrayed by the respective counties.

Petition of John Price, carpenter, of St. Mary's County, read. Petitioner was referred to the Courts of Law.

May 3. William Parker was sworn a Delegate for Calvert County. A Petitionary Bill, for confirming 100 acres of land given by Capt. Richd. Ladd of Calvert County, decd., to the ministry of Christ Church in that county, was read and sent to the delegates.

Petition of Joseph and Mary Vansweringen, executors of Garrett Vansweringen, of St. Mary's County, praying a bill might pass for selling lands of Mr. John Llewelyn, decd., and Mr. Samuel Withers, decd., for payment of their just claims from those estates, read and recommended to the House.

The House of Delegates were informed that, in order to prevent the charges of calling the Committee for Defence, His Excellency had lent Bills of Exchange for 200*l.* to Col. Addison to pay the Rangers.

Petition of several merchants trading in Potomack River, complaining of the great distance between the abode(*s*) of the present Collector and Naval Officer, read, and thereupon ordered that the Collector keep a deputy near the Naval Officer, and the Naval Officer a deputy near the Collector.

May 4. Dr. Thomas Bray interceded for Major Edward Dorsey, praying for his relief from the fine imposed upon him last Sessions of Assembly, as a matter of charity on account of his wife and twelve children. His petition was referred to the House of Delegates.

Petition of James Stoddart about some deer skins agreed to be paid by the Piscattaway Indians for his negro, killed by some unknown Indians, was referred to the House of Delegates.

Bill for the service of Almighty God and establishment of religion

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in this Province, according to the Church of England, sent up from the House, was read and ordered to lie upon the table.

His Excellency laid before the Board the proceedings of the Governor and Council of Virginia, Feb. 22, wherein they were of opinion that it would be for His Majesty's service that the *Messenger* should in the summer be down in Virginia, to be there joined with the *Essex* prize for defence of the coast, and desired the Governor of Maryland to let her be down in Virginia about the beginning of May, and give directions to Capt. Coade for managing the vessel out of the ships in Maryland, for that it would not be possible to secure her any supply of men after she should come there, being most of the ships would be sailed and the *Essex* prize would take up all the men that could be spared. The Council were of opinion that Capt. Coad and his ship might be very serviceable in detecting foul traders in this Province, but that she is too small to be of defence to the coast. If she should only be used to lie at Point Comfort, she would be mightily endangered by the worm. They advised His Excellency, if occasion arose wherein she might be usefull there, to give the necessary orders; otherwise that she go up to Turkey Point to avoid the worm. (*And see* No. 152.) [*Board of Trade.* Maryland, 14. *pp.* 523–531.]

May 1. **380.** Journal of the House of Delegates of Maryland. Bill for the speedy trial of criminals referred to the Committee of Laws to be revised. The proposal whether it might not be beneficial to the inhabitants to pay their levies in money considered and referred.

Petitions of Gerrard Sly for allowance of his account and for relief of several grievances read and referred.

Petition of John Chapman read. He was referred to the Common Law for relief.

Petition of Charles Ascomb and Joseph Edwards, complaining of several aggrievances, read and referred to the Committee of Grievances.

Richard Beard summoned to treat with about a storehouse.

Journals of the Free School sent for to be inspected. Committee appointed to report on the accounts.

Capt. Gerrard Sly's application for money alleged to be owing, 1675–1677, rejected. *And see preceding abstract.*

May 2. Committee ordered to treat with the Visitors of the Free School concerning the placing of the public library in some convenient rooms in the School House.

Proposal for the payment of levies in money rejected. The proposals for the advancement of money ordered to be printed, and about 40 copies delivered to the House. *And see preceding abstract.*

May 3. Bill for the service of Almighty God, etc., read the first time.

Petition of John Gough of Charles County read and rejected, petitioner being referred for his remedy to the Common Law.

Dr. James Benson and Robert Smith examined in the matter of the Vansweringen petition, consideration of which was further referred.

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May 3. Thomas Reynolds, Sheriff of Ann Arundel County, was examined, and explained that he had despatched the Public Letters of this House for St. Mary's County, as directed, to Capt. Thomas Blake, High Sheriff of Calvert County, requiring him to forward them with all expedition, but he had refused and so they were brought back. Ordered that Blake be arrested for contempt and brought before the House. *And see preceding abstract.*

May 4. Bill for Religion read second time and sent up. Bills for speedy trial of criminals and for quieting the differences between the English and Indians in private controversy, read the first time and committed for amendment.

Petitionary Bill for confirming glebe-land to Christ's Church amended. *And see preceding abstract.* [*Board of Trade.* Maryland, 15. *pp.* 498–514.]

May 2. Treasury Chambers. **381.** William Lowndes to the Board of Ordnance. The Lords of the Treasury desire you to provide long fuzees to the value of 400*l.* and ammunition to the value of 100*l.*, as the Council of Trade and Plantations shall direct, and deliver them to Mr. Champante, who is to send them to New York, as part of a present to the Five Nations of Indians. This service requires despatch, not only because the ship will sail suddenly, but in respect of the affairs in the said Colony. *Signed*, Wm. Lowndes. *Endorsed*, Recd. May 3, 1700. *Copy.* ½ *p.* [*Board of Trade.* New York, 9. *No.* 28; *and* 54. *p.* 217.]

May 2. Hampton Court. **382.** Order of King in Council repealing the Act of Jamaica obliging Patentees to residence. *Signed*, John Povey. 1 *p.* *Endorsed*, Recd. May 8, Read May 13, 1700. [*Board of Trade.* Jamaica, 9. *No.* 16; *and* 57. *pp.* 57, 58.]

May 2. Hampton Court. **383.** Order of King in Council referring to the Council of Trade and Plantations the enclosed petition. *Signed*, John Povey. *Endorsed*, Recd. Read May 3, 1700. ¾ *p.* *Enclosed*,

383. i. Sir Thomas Day to the King. Yesterday arrived letters from Bermudas giving an account that the Governor had readily obeyed the Orders for examining the complaints against him, and had issued Commissions accordingly, and that he did not doubt but to make appear his innocency, and that the whole examination would be transmitted by the next conveniency. Petitioner sets forth in behalf of the said Governor that, in obedience to the Orders of Council he had commissionated the persons who complained against him to examine their own complaints, which they executed with so much partiality as not to suffer him to have copies of the said informations to answer thereto, which by the Orders of Council is particularly directed, and is attested by the oath of one of the Judges in the said Commission, who is Secretary of the Island. Petitioner prays your Majesty to suspend, till the return of the Commission, your final determination of

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this whole affair. *Copy.* 1¾ *pp.* [*Board of Trade.* Bermuda, 4. *Nos.* 24, 24.i. ; *and* 29. *pp.* 285–288.]

May 2. Hampton Court. **383.** A Order of King in Council, referring to the Council of Trade and Plantations the enclosed petition. *Signed*, John Povey. *Endorsed*, Recd. Read May 4, 1700. ½ *p. Enclosed*,

383. A i. Jacob Mears and other owners of the *Dolphin* sloop to the King. Petitioners have recovered their sloop, detained by Mr. Day, thanks to your Order of Oct. 28. They cannot sue Mr. Day for the great damage done to them, whilst Governor, and upon his removal may be at a loss to find him. They therefore pray the matter be heard before your Majesty in Council, and, in order to it, that a Commisssion be granted to take evidence in Bermuda and that Lt. Gov. Day may be obliged to give 2,000*l.* security, before he departs Bermuda, to answer and pay petitioners such damages as your Majesty shall award. *Copy.* 2 *pp.* [*Board of Trade.* Bermuda, 4. *Nos.* 25, 25.i. ; *and* 29. *pp.* 289–292.]

May 2. Boston. **384.** Mr. Addington to Wm. Popple. Herewith you will receive a duplicate of the Minutes of Council, Sept. 7–Dec. 14, 1699, and further minutes of Council, Dec. 14–March 21, 1699. Also the Journal of the General Assembly, March 1699 (1700), with the Acts and Laws then passed. All which are forwarded on H.M.S. *Glocester* under the command of Rear Admiral Benbow. *Signed*, Isa. Addington. *Endorsed*, Recd. July 2, Read July 4, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 36 ; *and* 38. *p.* 79.]

May 2. **385.** Edward Palms to the Council of Trade and Plantations. The grievances against the Government of Conecticot set forth by petitioner last year, are still continued. The Governor and Company have shown no manner of regard to H.M. Order, March 9, 1699, but the remonstrant and several others have been denied the liberty of appealing. Affidavits and proofs of this matter could have been laid before your Lordships, but no person in the Colony, who could administer the same, would admit any oath thereof. Unless some more public and effectual methods are taken, not only the aforesaid order, but all other Orders of His Majesty will prove ineffectual and His Majesty's subjects left to the oppression of arbitrary and irregular persons. *Signed*, Edward Palms. *Endorsed*, Recd. 2nd, Read 7th May, 1700. 5 *pp.* [*Board of Trade.* Proprieties, 5. *No.* 45 ; *and* 26. *pp.* 204–207.]

May 3. Jamaica. **386.** Governor Sir William Beeston, to the Council of Trade and Plantations. I have received your Lordships' letter of Feb. 16, with Mr. Attorney and Solicitor General's opinion about naturalising foreigners, by which I must humbly represent to your Lordships that I think those gentlemen have not had a sight of the Laws of this Island, for in the reign of Charles II. the Royal

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Assent was given to a law, which your Lordships have under the Great Seal of this Island in the Plantation Office, and also is printed in folio 103 of those laws, entitled An Act encouraging the settling of this Island, which is in the same office also, by which it seems we are not on the same foot with the Northern Plantations, where I must agree with those gentlemen that I do not think any Assembly can naturalise any one without authority from the King, and whether ours, which is done by a mature law, will empower anyone out of the limits of this Island to be master of a vessel according to the late statute, I must submit to your consideration. I also find that we differ from the Northern Plantations in the authority we have to try pirates and privateers, because Lord Bellomont writ me there was no such power in New England, and therefore he was obliged to send the pirates home for England, and I guess it being thought the same here, His Majesty has directed me to send them to England with the witnesses, which would be a vast trouble and charge, and a great hardship on people to be sent from their homes and families to England to give their testimony, and cause them to deny their knowledge rather than be sent thither, but in King Charles his reign, there was also an Act past "For restraining and punishing Privateers and Pirates," which is in the Plantation Office, in which power is given to put in execution all the authority granted in the Act of Henry VIII, and by virtue whereof, as fast as we meet with them, we try them, and, if good proof against them, hang them up, as we have done several of late, that have sculked privately into this island in hopes to save themselves thereby.

Upon receipt of the memorial presented to His Majesty by Lord Bellomont, I bade the chief of the Jews put their reasons into writing why they made that application, which they have done, and on receipt of it I assembled the Council, who, with myself, agreed upon an answer, which I now transmit to your Lordships together with the said paper of the Jews, and is the truth of their condition here, where they have been alwaies well used in general, but as for their being particularly taxed by the Assembly, it's not in the power of myself or the Council to hinder it, for if they do not raise money as they will themselves, they will not do it at all. The list of pirates your Lordships transmitted to me, I have caused to be put up in the offices at Port Royal, and given orders for enquiry after them. The letters you mention from His Majesty are since my last arrived. I have answered what I thought was my duty to Lord Jersey. We have a report that the Scotch have agreed with the Spaniards to desert Darien, but we have no confirmation, and being only Spanish news we doubt the truth of it. *Signed*, Wm. Beeston. *Endorsed*, Recd. 20th, Read 24th July, 1700. *Holograph.* 1½ *pp. Enclosed*,

386. i. Abstract of preceding with marginal notes for reply.

386. ii. Jews of Jamaica to Governor Sir William Beeston. We have often petitioned your Excellency and the Assembly that we may not be particularised in any taxation, but only as the rest of the inhabitants, but without effect. By successive Assemblies we have been taxed—750*l.*

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by the first Assembly after the earthquake; 1,000*l.* by the second; and by the third, it being understood that it was not well taken in England that the Jews should be taxed two several ways, as was expressed in the last Assembly, over and above, we were taxed at a lump 1,750*l.*, which was 1,400*l.* more than our neighbours; by the fourth we were taxed at a lump 437*l.* 10*s.*, which is at least ¾ over our just due. The fifth Assembly intended to tax us 5,250*l.*, but being dissolved, the tax took no effect, otherways this would have concluded the utter ruin of our poor nation. We have been forced to bear arms on our Sabbath and holleydays without any urgent occasion in late years by command of some particular officer. For these reasons we made our application to His Majesty that we may enjoy the privileges our Letters Patents and denization allow us. *Endorsed*, Recd. 20th July, 1700. 2¼ *pp.*

386. iii. Answer of the Governor and Council of Jamaica to Lord Bellmonte's memorial about the Jews. What the Jews say about being so taxed by the Assemblies is truth. Had the Act gone forward in the last Assembly for making reparation to the sufferers in the late war, it would have amounted to such a sum that their part therein mentioned would not have been extravagant. Their first introduction into this Island was on condition that they should settle and plant, which they do not, there being but one considerable and two or three small settlements of the Jews in all the Island, but their employment generally is keeping shops and merchandising, by the first of which they have engrossed that employment, and by their parsimonious living (which I do not charge as a fault in them), they have thereby means of underselling the English, that they cannot many of them follow that employment, nor can they in reason put their children to the Jews to be trained up in that profession, by which the English nation think they suffer much both in their own advantages and what may be made to their children hereafter. And it is well known that in time past the Jews made it their request that they might on any occasion be taxed by the lump, and the reason they gave, and which was obvious and prevalent on the English, was because they, being a people distinct from the English, knew one another's circumstances better than the English could, and wherefore the more likely to do right to one another, as well as to take off the jealousy of partiality, had they been particularly taxed in the parishes where they dwelt, as the English are; but of late they have desired otherwise, because they fall out in their taxing one another. For these reasons the Assemblies have always, when public money

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was to be raised, thought it but reasonable that the Jews, who in the opinion of the Assembly eat out the English in trade and get it very much into their own hands, should pay something in proportion more than the English, and what they propose in those cases of money is not to be contradicted by the Governor and Council, lest thereby the whole Bill may fall.

As for their bearing arms, it must be owned that when any public occasion has happened or enemy appeared, they have been ready and behaved themselves very well, but for their being called into arms on private times and that have happened on their Sabbath or Festivals, they have been generally excused by their officers, unless by their obstinacy or ill language they have provoked them to the contrary, the law of this country, without regard to Jews or any other, giving powers to call all men into arms when there is thought occasion for it. It is likewise too plain that the meaner sort of that nation buy anything from our negroes, by which they encourage them to steal from their masters or any else, that they may sell it to the Jews, to make money to buy drink or to play with one another, by which many evils happen both to the negroes and their owners, and although this has been endeavoured to be hindred, yet a way could never be found to prevent it, this trade being driven on most at night or Sundays, when people are at Church, and hereby the ignorance of the negroes gives advantage to the Jews to buy anything of them for much under its real worth, which the sooner sets them on to stealing more. To which may also be added that they are not at the trouble and charge of any civil or military offices, which are great here, there being no pay or allowance for them, except to a constable sometimes, where the poundage money for the taxes pay their expense of time; nor are their taxes, considernig the great stocks they have in trade, more in proportion than a poor planter's, that is in debt and labours hard to clear himself; besides, they are entered much into the wholesale trade, and many English merchants consign their goods to the Jews here, which is a great discouragement to the English factors. If any taxes be laid upon them which they do not like, it's for the consideration aforesaid and by the Assemblies, who often resent it; nor is it in the power of the Governor and Council to contradict them in raising money, which they will do as they please or not at all, tho' never so great necessity for it. *Same endorsement.* 1 *p.*

386. iv. Minutes of Council of Jamaica, May 2, 1700. Mr. Edward Toplady produced a Patent, under the Broad Seal of England, of the Office of Provost Marshall General of this Island to George Golding, Esq., and also a depu-

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tation from Mr. Golding to him. His Excellency caused H.M. Order in Council, Feb. 16, 1698, to be read, and likewise informed him of the Act of this Island made pursuant to that Order, entitled an Act to oblige Patentees of Offices to reside in this Island, upon which he withdrew and His Excellency communicated a letter, which he had writ to Mr. Golding about it to this Board, which was approved of. The Board was of opinion that till His Majesty's pleasure be further known, Mr. Toplady could not be admitted by virtue of his deputation. *Same endorsement.* 1¾ *pp.* [*Board of Trade.* Jamaica, 9. *Nos.* 19, 19.i.–iv.; *and* 57. *pp.* 76–90.]

May 3. Whitehall. **387.** William Popple to William Lowndes. The several particulars which will be required for the present to the Indians are according to the enclosed extracts. (Presents demanded for them by Col. Fletcher, 1694. Mr. Heathcote's account, 1695, etc.). The Council of Trade and Plantations are of opinion that 400*l.* be laid out in long fuzils, 100*l.* in ammunition, and the remaining 300*l.* in cloths, etc. [*Board of Trade.* New York, 54. *pp.* 214, 215.]

May 3. Treasury Chambers. **388.** William Lowndes to Mr. Champante. The Lords of the Treasury desire you to provide cloths to the value of 300*l.* according to such direction as you shall receive from the Council of Trade and Plantations to be sent to Lord Bellomont as part of the present to the Indians. You are to bring your bill of charges to their Lordships. *Signed*, Wm. Lowndes. *Endorsed*, Recd. May 3, 1700. *Copy.* ¾ *p.* [*Board of Trade.* New York, 9. *No.* 29; *and* 54. *p.* 216.]

May 3. Whitehall. **389.** Journal of Council of Trade and Plantations. Letter to Mr. Lowndes written.

Order of Council, May 2, read. Sir Thomas Day and Mr. Meers summoned to attend.

Mr. Crouch, and others concerned with him, ordered to attend. Sir Charles Hedges attending, being asked whether he thought it more fit the Commissions, to be issued in pursuance of the late Act for the more effectual suppression of piracy, should pass under the Great Seal of England or under the Seal of the Admiralty, he said those Seals might in this occasion be of equal authority; only he observed that the Great Seal might make a better figure abroad, but the seal of the Admiralty would cost less charge. Representation directed to be prepared in order to the speedy putting of the said Act in execution.

May 4. Sir Thomas Day attended. H.M. Order in Council, and his petition, were read. Sir Thomas said that he had last night received a letter from his son saying that a person of reputation, who has lived 15 years in the Island, and is a J.P. there, is coming over with full instructions to answer all things that have been objected against him. Nevertheless it being observed that His

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Majesty requires a report against next Thursday, heads of the Representation of Feb. 28th last were read, and Sir Thomas' answers to each head were taken. Mr. Cobb, a solicitor attending in behalf of Jacob Meers, was called in, and H.M. Order in Council, May 2, was read. In answer to the substance of Mr. Mears' complaint, Sir Thos. Day referred to the affidavits which he delivered in his previous answer to the complaints against his son (Feb. 28th). In answer to that part of the petition which desires that indifferent persons may be commissionated to examine witnesses in that matter, he said that he was informed his son had already done it, in pursurance of H.M. Order in Council, Nov. 2 ; upon the last part he consented that his son be required to give security in the Bermudas. (*See* March 8.) [*Board of Trade.* Journal, 13. *pp.* 25–29 ; *and* 97. *Nos.* 83, 84.]

May 4. Admiralty Office. **390.** J. Burchett to William Popple, forwarding the names of the Admiralty Officers in the Plantations. *Signed*, J. Burchett. *Endorsed*, Recd. 4th, Read 13th May, 1700. ½ *p.* *Enclosed*,

390. i. List referred to above. 1 *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 54, 54. i. ; *and* 35. *pp.* 206, 207.]

May 4. **391.** Some of the causes, known and suspected, of the continuance of the pestilential fevers and great mortality in Barbados. (1) The beds in St. Michael's Town, whereon many people have died of the distemper, were wet almost through by the excessive sweats of the dying persons, and this was repeated. It is believed the infection remains in them. (2). Decayed provisions are brought into the towns. The blacks are fed on stinking fish by some masters. All bad beef, pork or fish should be ordered to be carried out and sunk in the sea and the beds burnt. (3.) The nastiness of the houses, which every housekeeper ought to cleanse every day before their doors, and scavengers under severe penalties carry away dirt twice a week at least. (4.) The common shore formerly running down to the stepping stones from under Saml. Dyer's house, the backside of Lewis Dea's, by Mr. Hanway's and from the backside of Mr. Forstall's great house, between it and Swan Street, is quite stopped up with mud and filth. (5.) There was a conveyance for the water through the ground where Mr. Hollard hath now a house, between Harvey's and Goldingham's in Broad Street, over against that which was Mr. Draper's, now Mr. Willis'. Here the common shore wants widening, and the present grate which stops the water taking away. (6.) The New Canal, formerly so called, from the Old Bridge up by the swamp and through Egginton's Bridge to Laffton's farther storehouse, opposite to Smart's buildings, is of late years filled up and should be cleansed. This used to be the healthiest part of the town, but trade was drawn from it by the mole which the Legislative Authority built, and which was destroyed by a hurricane the same year. By barring the bar this mole is one of the greatest causes of the infection of the air.

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(8.) The nastiness of negroes laying their tales in the nights in the streets : which evil can never be removed but by removing the negroes out of the town. This no doubt will meet with great opposition. It would have the good effect, too, of preventing the frequent robberies and breaking open of houses by the negroes, as well as to secure them from conspiracy. (9.) By worthy and good design the Island has provided by law that servants should have one pound of flesh or fish a day, which for the most part is salt and in so hot a country hurtful. (10.) One of the greatest conducements to the health and strength of the place would be a mote or deep canal from Pargitter's swamp, eastward of the Church, along by Spring Gardens, across the road and so by Mrs. Hassell's on the back side of the magazine, encompassing it and the whole town, and so into a swamp between Capt. Salmon's and Mrs. Corther's Plantations, and so into the sea. This good work will very much need the assistance of the revenue of the 4½ per cent., which was raised for the use of that once flourishing but now declining island. *Endorsed*, Recd. Read May 4, 1700. 6 *pp.* [*Board of Trade.* Barbados, 8. *No.* 46 ; *and* 45. *pp.* 51–58.]

May 6. **392.** Richard Bradshaw to Wm. Popple, enclosing extract of the commitment of Wm. Brice to Newgate for felony and robbery, and begging that the matter may be inserted in the Board's Report to His Majesty, in order to invalidate Brice's oath. *Signed*, Richd. Bradshaw. *Endorsed*, Communicated to the Board by Sir Tho. Day. Recd. Read May 6th, 1700. 1 *p.* *Enclosed*,

392. i. Extract of commitment of Wm. Brice to Newgate, Jan. 13, 1697. [*Board of Trade.* Bermuda, 4. *Nos.* 26, 26.i.]

May 6. **393.** Affidavit of Richard Iden of St. Martin's in the Fields, victualler, that Richier and Dudgeon endeavoured to bribe him with the offer of a place in the Custom House, etc., to make an affidavit that he had heard Capt. Day drink King James' health. March 7. *Signed*, Ric. Iden. *Endorsed as preceding.* ¾ *p.* [*Board of Trade.* Bermuda, 4. *No.* 27.]

May 6. Whitehall. **394.** Journal of Council of Trade and Plantations. After Sir Thomas Day and Mr. Mears had been again heard, directions were given for a Representation to be laid before His Majesty upon the whole matter.

Ordered that Mr. Champante be given copies of the accounts of presents for the Indians lately sent to the Treasury, and that Mr. Heathcote be desired to assist him with his advice about providing them.

Mr. Crouch, Mr. Tatam and others attending upon the subject of H.M. Order in Council, April 18, said that the *Mary*, mentioned in their petition, is but 82 feet long, and therefore not capable to carry timber fit for H.M. service, nor have they ever carried or desire to carry any such to those parts, but, if their trade in

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pipe-staves, deal boards and other small timber be obstructed, it will hinder a great exportation of draperies from hence thither, Tatam having the last year sent above the value of 3,000*l.* in cloth, and Crouch the like value in worsted stuffs, and others in like manner very considerable quantities of other English manufactures. Directions for preparing a Representation given.

May 7. Representation relating to the Commissions to be past in pursuance of the late Act against pirates, signed.

Ordered that a letter be prepared in answer to Lord Jersey, April 27.

Memorial of the owners of the *Beckford* galley read. Representation ordered accordingly.

Memorial of Edward Palms, May 2, read. Mr. Wharton, who solicites that business, ordered to attend.

May 8. Secretary ordered to write to Mr. Pulteney (May 8. No. 409).

Representation upon the petitions of Sir Thomas Day and Mr. Meers signed.

Representation upon Capt. Brook's petition signed.

Representation upon Mr. Crouch's petition signed.

Representation upon the petition of the owners of the *Beckford* galley signed. [*Board of Trade.* Journal, 13. *pp.* 30–36; *and* 97. *Nos.* 85–87.]

May 6. **395.** Minutes of Council of Virginia. His Excellency informed the Council that in the late engagement with a pirate, Peter Heyman, H.M. Collector of the lower district of James River, was killed on board H.M.S. *Shoreham*, having behaved very well in the fight. Ordered that the Naval Officer of that district execute the office of Collector, till further orders be given by H.M. Commissioners of Customs.

His Excellency informed the Council of the capture of Capt. Lewis, a French pirate, and of the conditions upon which he had surrendered to His Excellency. The conditions were referred to the Attorney General. His Excellency laid before the Council the several orders he had given for raising the Militia in several counties adjacent to the sea on that occasion, together with his promise of a reward of 20*l.* for every pirate apprehended on land, by virtue whereof one pirate had been taken who got on shore in Lynhaven Bay. Two others were taken out of one of the retaken merchant ships. These three pirates were not included in the conditions of surrender. A Commission for their trial at Elizabeth City County Court House therefore ordered. Officers of the Court appointed.

Whereas of late there have been several ships taken, plundered or destroyed by pirates hovering over the coasts of this Dominion, and information having been given that there is still one or more on the coast, ordered that H.M.S. *Essex* prize sail on the 30th inst., and give convoy to all merchant ships. Notice to be given of this. H.M.S. *Shoreham* to convoy all ships once every twenty days to about 50 leagues without the Capes, where the greatest danger is. The *Shoreham* and *Essex* prize to go out and cruize in the Bay of Chisapeake as soon as possible, to protect ships

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coming down to take the opportunity of the convoy. If they meet any merchant ships designed out of the Capes, they are to cause them to come into James River, to take the convoy. Capt. Aldred is to come in about a week before the 30th to take on board wood and water for his voyage.

A copy of the Order appointing the times for the sailings of the merchant ships ordered to be transmitted to the Governor of Maryland, that he may give directions, if he thinks fit, for the merchant ships in Maryland to take the opportunity of the same convoy. Ordered, that he be desired, for the better defence of the coast, to order the advice-boat, *Messenger*, to be down at Kickquotann in the mouth of James River.

Three tracts of land at Curles, the Slashes, and Varina in Henrico County, vested in His Majesty by the attainder of Nathaniel Bacon, viewed and valued by Mr. Auditor and Attorney General, ordered to be sold. [*Board of Trade.* Virginia, 53. *pp.* 420–426.]

May 6. **396.** Journal of Council in Assembly of Maryland. Bill for Religion read the second time, passed and sent down.

W. Bladen, Naval Officer of the port of Annapolis, swore to his accounts, and Mr. Mason to his account as Treasurer of the Western Shore.

Petitionary Bill confirming glebe land to Christ Church read, and, the amendment of the House having been agreed to, it was sent down again.

The fine of 20*l.* imposed by the Provincial Court on Mr. Gabriel Parrott was assigned to Mr. William Dent, the Attorney General, in recognition of his services.

Col. Jenkins complained against Samuel Worthington, one of the attorneys of Somerset County Court, for his ill behaviour, prodigality and insolent affronts.

The Delegates announced that they were preparing a Bill to prevent disadvantage to the Revenue through the unreasonable bigness of tobacco hogsheads, a matter to which His Excellency had called their attention in a letter.

Bill for quieting differences between the English and Indians, sent up, was read a first and second time.

The Delegates assented to the ordinance, recommended by the Council, directing that Mr. W. Bladen, having been to great expense in procuring a printing press, printer, etc., after Sept. 10 none other but printed writs, summonses, etc., be made use of. But the Delegates added the proviso that Mr. Bladen should give sufficient caution not to print any other matters but what should be first licensed by the Governor or some person by him appointed.

May 7. A Bill making valid the will of James Tyer of Charles County was read the first time and sent to the House. The Board, observing from former proceedings of Assembly that considerable sums had been raised for building a church in Annapolis, but that the care of applying them had not been settled in any person, so that the building is wholly neglected and delayed, recom-

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mended to the consideration of the Delegates whether it might not be advisable to apply to the Governor of Virginia, in whose hands the money remains, that he would lodge it in some safe hands in Maryland, ready for use, and to entrust some person or persons to receive it and agree with some undertaker and pay him upon performance. Bills for Religion and Confirming glebe-land in Christ Church read a third time and sent to the House.

The House of Delegates reported that a Bill had been read for the present security of the frontier Plantations against the Indians, when objection was made, and a member proposed that, considering His Excellency had lately made a peace with the Indians, it was more reasonable instantly to withdraw the Rangers, and let the Indians have all assurance that we design firmly to observe our promises, and, to give them no occasion for diffidence, to leave the fort to the Indians' own disposing, to do them all the right they can require by letting them quietly enjoy their lands, to secure the friendship of the Susquehannah and Eastern Shore Indians, and renew effectively an(d) order for laying out the Choptank and Piscattaway Indians' lands. Whereupon it was decided to drop the Bill.

May 8. The Council replied that they thought it advisable that the Rangers should be kept out and no[*t*] taken of[*f*], lest the inhabitants on the frontier upon any sudden or violent accident should withdraw and desert their Plantations. But if the Delegates desire them to be disbanded, this Board will not obstruct, nor can they be answerable for any mischief that may happen for want of them. They advised that the Order for running out the Choptank and Piscattaway Indians' lands be renewed, and all Acts of Justice be done them; and that the friendship of the Susquehannah and Shevanore Indians be secured by making a treaty with them, they seeming to be of considerable moment and not to be slighted. The disposal of the fort, they advised, should be left to His Excellency, all things of that nature being lodged in him. They proposed that the House should renew their Ordinance for the Committee appointed last year to meet upon any sudden occasion.

Bill for lessening Talbot County and constituting another, sent up, was read and rejected.

Bill reviving the temporary Laws, sent up, was read and returned.

Col. Beale's complaint that Clement Hill, surveyor, of George's County, had refused to return his certificate of lands, referred to the House, with a recommendation that, if found true, they make some order to prevent such ill practices for the future.

Col. William Pearce was sworn a Delegate of Cecil County.

The Delegates concurred with yesterday's message about building the church, and resolved that the money be lodged in Maryland, in the hands of the Governor, Col. John Addison, Thomas Brook, Col. John Hammond and Thomas Tasker, and that full power be given them to agree and pay for the building. They accepted the trust provided the House agreed they should lodge the money in some responsible merchant's hands in London

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to be named by the House, and there to lie till called out of his hands, but not at the risk of the Trustees, in case anything should happen to the said merchant.

A Bill for the speedy trial of criminals was read the first time, sent down, read a second time and returned.

Bill for quieting differences between the English and Indians read the second time and sent to the House.

Samuel Worthington, summoned to reply to Col. Jenkins' complaint, His Excellency warned him that if any more such complaints occur, he must expect to be severely punished.

Bills, about tobacco hogsheads, and for naturalising Michael Bellicane and his three sons, read and sent to the House.

The House agreed that the money for the church might be lodged in the hands of Micajah Perry & Co., merchants in London.

Bill for reviving some temporary Laws, sent up, read and assented to.

The House prayed His Excellency for an account of the 3*d.* *per* hhd. appropriated for arms, to which he replied that, if it was any satisfaction to them, they should not be kept in the dark.

Bill for the security of the frontiers, sent up, was read, passed and returned. [*Board of Trade.* Maryland, 14. *pp.* 532–546.]

May 6. **397.** Journal of House of Delegates of Maryland. Address to His Majesty to give his assent to the Act of Religion ordered to be prepared.

Petition of Nicholas Crouch for payment considered. He was referred for satisfaction to his employers.

Petition of James Frisby, for allowance for 26 negroes who died before sale, rejected.

Petition of James Stoddard relating to an agreement between him and the Emperor of Piscattaway read. The House conceived that he was noways barred of his claim from the Indians by the articles of peace lately made, and referred him to the gentlemen in those parts to be appointed for deciding differences betwixt English and Indians.

Petition of Major Dorsey referred to the Committee of Accounts, who reported that he informed them he had no means of discharging his fine.

Petition of Thomas Casey, Cecil County, read. The House, conceiving him to be an object of charity, allowed him an annual pension of 1,000*lb.* of tobacco.

Bills for Religion and Confirming glebe-land in Calvert County read the third time and passed.

Thomas Blake fined 500*lb.* of tobacco for his contempt in not forwarding public packets, to be deducted from his salary and paid to Daniel Canning, the serjeant attendant, for his expedition.

Petition of James Baker, "a very ancient and poor man, very infirm and weak, who has faithfully served the House these nine years, praying for the grant of a negro to assist him in maintaining himself and his poor, weak wife, who is likewise ancient," granted.

Letter from His Excellency read. "I hope it will be far from

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a crime in me to hint to you how great a sufferer I am in the largeness of the hhds. of tobacco. You passed a law last sessions in which you showed your generosity in continuing to me the 3*d*. at 400*lb*. *per* hhd., but I imagine you did not intend it so, neither do I desire it less than 500*lb*. If I had insisted upon it, it would have been at least 200 pounds advantage to me, but no interest shall ever induce me to take any advantage of those for whom I have so great a regard. If you can adjust it, I shall be obliged; if not, you may continue it upon the same foot as it now stands, but masters of ships seem to be very uneasy under it. I do not desire the hhds. should be less than the gage already established by you." Resolved, that a Bill be drawn to impose a severe penalty on persons employing any cooper to make any cask above the gage according to Act of Assembly.

Act for quieting differences, etc., read the second time.

Report of the Committee of Grievances read:—(1) Several parishes have paid the 40*lb*. per poll, and yet have no ministers to officiate, which is an aggrievance to the people, churches being already built; (2) care is not taken to appoint deputy-surveyors in each county that are dwellers in the said county, which is an excessive charge to the inhabitants; (3) petition of Gerrard Sly referred back to the House; (4) we find that Major Dorsey will rent three houses suitable for a powder magazine for three years, and cover the great house for 100*l*.; (5) with regard to the petition of Mr. Charles Ascomb, we conceive that Col. Lowe has proceeded against him and others according to law, but the law is so sharp that it appears to be an aggrievance to the people, wherefore we conceive it lies in His Excellency's breast to correct the said offence. Whereupon the House referred Article (1) to the next Sessions of Assembly; on Article (2), ordered that James Heath and Clement Hill, H.E. Surveyors General for the Eastern and Western Shores, provide Deputy Surveyors that shall inhabit in the several counties, before Oct. 1st. (3) Petition of Gerrard Sly rejected. Bill for quieting differences, passed with amendment. *And see preceding abstract.*

May 7. Bill for confirming glebe-land read the third time and passed.

Bill for Religion read the third time and passed, and ordered to be printed, and that a copy be ordered for every parish.

A Reviving Bill and a Bill confirming the will of James Tyer, read twice and passed. Bill for the speedy trial of criminals read a first time.

Bill for lessening Talbot County read twice and committed for amendment.

Act for quieting differences, etc., read and passed.

A present of 50*l*. was made to Dr. Bray, "forasmuch as he has been very serviceable to this country in collection of a library, etc." *And see preceding abstract.*

May 8. Bill for speedy trial of criminals read the second time, amended, read the third time, and passed.

Bill for repeal of certain laws and confirming others read the first and second time.

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Petition of Christopher Mounts, *alias* Anderson, for naturalisation read and bill ordered accordingly.

Address to His Majesty read and ordered to be engrossed.

The House considered that the Rangers might be taken off, and ordered that the Piscattaway Indians' land be laid out by the direction of Major Boreman according as Lord Baltimore directed him, and that someone be appointed to see this done.

Ordinance ordered for laying out the Choptank Indians' lands.

Bill for naturalizing Michael Bellicane, etc., read the first and second time.

Additional Bill to the Act touching coopers, etc., read the first and second time.

Petition of Robert Mason, for 2½ per cent. charged him on money remitted home by bills on the public account, read. Ordered that, if he make it appear that he has been so charged, the next Assembly will consider it.

A new Bill for securing the frontiers read twice.

The Committee of Aggrievances reported that Col. Ninian Beale's case against Mr. Clement Hill, Surveyor for Prince George's County, for not returning a certificate according to his duty, was a great agrievance, and if a speedy stop is not put to the like proceedings may be of very ill consequence to several of the inhabitants.

Consideration thereof referred to the next sessions of Assembly, notice, meanwhile, to be given to Mr. Clement Hill that in case he does not make reasonable satisfaction to Col. Beale, he must appear before this House next sessions.

Fees for naturalisation ascertained.

Petition of the executors of Vansweringen referred to the next sessions of Assembly.

Ordered that the Indians in Major Barton's charge be liberated, and that Major Barton refer to Prince George's County Court for satisfaction for the said Indian's fees.

Journal of the Committee of Accounts read and assented to. *And see preceding abstract.* [*Board of Trade.* Maryland, 15. *pp.* 514–536.]

398. Journal of the Committee of Accounts of Maryland, April 30, 1700. [*Board of Trade.* Maryland, 15. *pp.* 557–579.]

May 7. London. **399.** Richd. Haynes and others to William Popple. We note that your Board are pleased to turn the success of the pitch and tar undertaking on their not being empowered to engage a price certain. We have applied to the Navy Board, and find that they buy as cheap as they can in general, but in another case of the like nature have by special order given more for our home manufacture than could have bought the foreign, but can do nothing in our business without orders. We cannot but think their Lordships know the proper methods to promote the improvement of what we propose, if they believe it probable to be effected, and we always thought them the judges what was fit to be laid before the Council for the needful encouragement of those that propose anything of public good and especially

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of trade. If we are mistaken or it's not thought worth their Lordships' favour, we shall be content to wait a more favorable opportunity. *Signed*, thy obliged and ready friends, John Rolfe, Richd. Martyn, Thomas Byfeld, Richard Haynes. *Endorsed*, Recd. 8th, Read 27th May, 1700. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 55; *and* 35. *pp.* 208, 209.]

May 7. 400. Owners of the *Beckford* galley to the Council of Trade and Plantations. The *Beckford*, 200 tons, 24 guns and thirty men, sailed from the Thames, June 1698, John Harris, commander, with orders to trade on the east coast of Africa, and at Madagascar for a cargo of slaves to carry to the West Indies. Whilst the master was on shore at Tullia, in Madagascar, the ship was seized by a combination of pirates, March 30, 1699, who went a-pirating with her under Ryder. We pray that orders may be given to the Governors of Plantations to seize them. *Describes ship. Signed*, Bartho. Gracedieu, for self and Col. Pe. Beckford of Jamaica, Edwd. Harle, Nath. Mieklethwaite, James Feyton, for Col. Charles Sadlere of Jamaica, Eben. Gatton, Ben. Thornbury. *Endorsed*, Recd. Read May 7, 1700. 1¾ *pp. Enclosed*,

400. i. Cha. Harris to Sir Barth. Gracedieu. Johanna, Aug. 5, '99. Part of the ship's company joined with some rogues ashore at Tullia, seized the ship and turned ashore 17 who were not willing to go with them. *Signed*, Cha. Harris. 1 *p.*

400. ii. Description of Ryder the pirate. He is a middle-sized man, of a swarthy complexion, inclinable by his aspect to be of a churlish constitution; his own hair short and brown, and apt, when in drink, to utter some Portugese or Moorish words. He sometimes sailed with the Moors and was left by a pirate at Fort Dolphin, on east of Madagascar, and thence came to Tullia. ½ *p. Inscribed at foot*, Mr. Poppell. Please annex the above description of Ryder to the other papers. *Signed*, Bartho. Graeedieu. May 9, 1700. [*Board of Trade.* Plantations General, 5. *Nos.* 56, 56. i, ii.; *and* (*without enclosures*), 35. *pp.* 198–200.]

May 7. Whitehall. 401. Council of Trade and Plantations to the King. By a late Act of Parliament for the suppression of piracy it is provided that Commissions be past for the trial of pirates in the methods directed. There are certain clauses therein which are to be of force in the Plantations on Sept. 29th. It is therefore requisite that the said Commissions be sent with all expedition, and, the Act directing that they be passed under the Great Seal of England or under the Seal of the Admiralty, we offer that your Majesty be pleased to determine under which seal they be passed and that they be accordingly prepared and dispatched. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Plantations General, 35. *p.* 202.)

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May 7. Boston.

402. Governor the Earl of Bellomont to Mr. Secretary Popple. I send you a letter from Mr. Dwight, the minister of Woodstock, which I desire you will please to shew to the Lords of the Council of Trade. Thinking the alarm was over of the Indians' design of rising, the Council advised the recalling of the parties that had been sent to defend the frontier towns, but since that, the Indians have deserted their houses about Woodstock, I mean those that staid behind their neighbours, which I observed in one of my letters were gone from their houses, and gave the alarm to the English of Woodstock. I writ to Mr. Secretary Vernon an evidence that by accident fell into my hands touching the true boundary between us and the French to the eastward of this Province. It was writ by a Frenchman living in Nova Scotia, and subject to the French King; this Frenchman writes that orders being sent from the Court of France to the Governor of Fort St. John to enquire of the ancient and experienced French thereabout, what were the just limits of Acadie or Nova Scotia, an old Frenchman called Monsieur Bourgeois, 90 years of age, was chiefly consulted by the said Governor, who declared that the River of Ste. Croix was the true boundary, and that report is made into France accordingly, if the forementioned Frenchman have writ truth hither. For a further proof of Ste. Croix's being the right boundary, I send a memorial of Capt. Alden's, which I desire you will shew the Lords. He has traded with the East Country these 40 years, was formerly employed by Sir Thomas Temple, and therefore ought to know the bounds between us and the French. 'Tis of the last consequence to England and these Plantations that the French be confined to the east side of the river Ste. Croix, for if they be admitted to extend their dominion to St. George's River, which has been industriously given out by them and those that are affected to their interest to be the boundary between us, then at once these Plantations are ruined, near 200 miles of coast will be lost from the Crown, and the fishery consequently with the country or coast. But besides all that, beyond Ste. Croix the country is desert, being sandy and very few timber trees, or trees for masts for ships, growing on it, whereas between the rivers of Ste. Croix and St. George the soil is rich and abounds with trees for masts and timber. And that the French have in their heads to make use of the trees, I send you the copy of a letter from Monsieur Denys to the French King, which has been delivered me within these three weeks. Capt. Southack, who commands the *Province* galley, commanded a privateer in the late war, and took a French prize bound from Canada to France, and among several letters took the original of this. The person whom Capt. Southack gave leave to take a copy of it, forgot to take the date, but as soon as Capt. Southack returns from the east, whither I ordered him with some supplies to the Indians, I will get the original letter from him. *Signed*, Bellomont. I received not the letter and packet of the Lords of the Council of Trade, Aug. 21, till the 12th of last moneth, nor that of Nov. 30 till about 10 days ago, in which last was enclosed His Majesty's letter of Nov. 10. I have not time now to answer

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that of Aug. 21. Jones, the master of a brigantine who received their Lordships' original packet of Aug. 21, is supposed to be cast away, and the duplicate of that packet it is that I have received. I copied their Lordships' letter of Aug. 11 to the Government of Rhode Island, and sent it to them, attested by me to be a true copy, and I hear it has been a mortification to them. The Agent they are sending to England goes by the name of Capt. Sheffield, is one of their Council, yet keeps a little blind rum-house, where the Indians are his best customers, for scarce any English will go near him. I rode near his house when I was last at Rhode Island. *Holograph.* 3¼ *pp. Endorsed,* Recd. June 27, Read July 3, 1700. *Enclosed,*

402. i. Abstract of preceding. 1 *p.*

402. ii. Josiah Dwight to Lord Bellomont. Woodstock, Ap. 23, 1700. The people here do with exceeding loathness part with the soldiers. The bigger part of our Indians are known to be gone and on suspicious design, and the bulk of the remnant of the capable men are lately slipped away. It seems to us all behind are on the tip-toe. *Copy.* ¾ *p. Same endorsement.*

402. iii. Capt. John Alden to Lord Bellomont. Boston, April 9, 1700. For the space of 30 years he has frequently traded betwixt Boston and Accadie. It has been commonly accounted by the English and allowed by the French that the English territory and dominion extended as far east as the Bay called Passamaquada by the Indians, and to the River of St. Croix within the said Bay, the entrance whereof opens into the same, and the English did frequently fish within the said Bay and made the same on the shore there, without any interruption by the French. This was accounted the utmost extent of the English dominion eastward, until the French fortifications and settlements farther up the bay of Fundy were taken from them by the English. *Copy.* 1 *p. Same endorsement.*

402. iv. M. Denys to the French King. Duplicate of *Cal.* A. & W. I., 1699. No. 22. ii. *Copy.* 1 *p. Same endorsement.* [*Board of Trade.* New England, 10. *Nos.* 37, 37.i.–iv. ; *and* (*without enclosures*), 38. *pp.* 70–75 ; *and* (*memoranda of Letter and* iii. *and* iv.), New York, 9. *Nos.* 30–32.]

May 7. **403.** Minutes of Council in Assembly of Barbados. Col. Frere was excused taking upon him his instructions about the French settlement at Sta. Lucia, upon his representing that his other affairs will not admit of it. Ordered that the Council meet on Tuesday next at the house late of William Davis, joining upon Lear's Plantation, near Henley's, in St. Michael's Parish.

H.M. Order for the expulsion of foreigners from Sta. Lucia, Nov. 15, 1699, read. Gov. Grey's letter to the Governor of Martinico communicating the above to him (*See* July 25) read. [*Board of Trade.* Barbados, 65. *pp.* 507–509.]

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May 7. St. Michael's. **404.** Minutes of General Assembly of Barbados. There being no probability of making a House this day, and the town being sickly, His Excellency acquainted them that the Council was adjourned to the house late of William Davis, decd., near the Plantation of Sir Robert Davers in St. Michael's Parish, on the 14th, to which time and place the Assembly have now also adjourned. [*Board of Trade.* Barbados, 65. *p.* 558.]

May 7. **405.** Minutes of Council of Virginia. Ordered that the Sheriff of Elizabeth City County provide for the accommodation of the Justices, officers, jurymen and witnesses at the forthcoming trial of pirates. The accounts of expenses to be signed by the Court and paid for out of the Revenue of 2*s. per* hhd.

Benoni Burroughs, appointed Sheriff of Princess Anne County in place of William Cornick, excused.

William Fletcher, master of the *Barbadoes Merchant*, having been plundered by a pirate and lost his register, etc., granted permission to trade, upon making an oath that no foreigner is concerned, and giving security that she will unload in England.

Commanders in Chief of the Militia in the Counties of Elizabeth City, Norfolk, Princess Ann, Accomack and Northampton, ordered to provide look-outs along the coast to give notice and alarm of pirates to them, and by express to His Excellency, and, if possible, to Capt. Passenger. The officers and inhabitants of Princess Ann County commended for their zeal in this matter. Major Thorowgood ordered to provide a boat and hands to be ready for communication with Capt. Passenger. 10*l.* reward offered for the apprehension or killing of any pirate.

Mr. Attorney having given his opinion upon the conditions of surrender, it was ordered accordingly that Capt. Lewis and the other pirates be sent to England as soon as possible in the *Essex* prize and other ships, their hands to be in irons at all times and their legs tied at nights. Mr. Auditor Byrd presented an account of His Majesty's Revenue of 2*s. per* hhd. ending April 25, 1700, showing 1,032*l.* 11*s.* 1½*d.* due to His Majesty, and of the quit-rents, showing 3,592*l.* 4*s.* 3*d.* sterl. due to His Majesty.

Commission for the trial of the pirates read and ordered to be transcribed.

A patent to Lt. Col. William Randolph of Henrico for N. Bacon's land—Curles and the Slashes—bought by him, read and signed.

8*l.* paid to William Smelt for expenses in connection with pirates.

Capt. Aldred and Capt. Passenger, attending the Council, His Excellency thanked them for their service in taking the pirate, gave his part of the prize to Capt. Passenger, and directed him to send him his journal. His Excellency added that during the engagement he had observed that the *Shoreham* was very weakly manned, several of her men appearing raw and unskilful, and there being many boys amongst them. Capt. Passenger answered that, it being a time of peace, the full complement of men was not allowed as was usual in time of war. His Excellency recom-

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mended him to write to the Admiralty and desire his full complement, for that in these parts it is, in a manner, open war, the coasts being daily infested by pirates. Upon the request of Capt. Passenger, after the capture of the pirates, they were put on shore in custody of the officers of Militia in Elizabeth City County, he being apprehensive of danger, if they continued on board. The purser of the *Shoreham* ordered to make an account of victuals expended on the pirates, etc., for His Excellency's signature.

May 8. Commissions, for trying the pirates and for Peter Beverley to attend as Clerk of the Arreignments, signed.

Mr. Attorney General directed to provide for the prosecution of the pirates. [*Board of Trade.* Virginia, 53. *pp.* 426–436.]

May 8. Whitehall. **406.** Council of Trade and Plantations to the King, offering, upon the memorial of Sir B. Gracedieu and others, May 7, that directions should be given for securing the *Beckford* galley and the pirates who seized her, and proceeding against them according to law. *Signed*, Lexington, Ph. Meadows, Jno. Pollexfen, Ab. Hill, Geo. Stepney. [*Board of Trade.* Plantations General, 35. *p.* 203.]

May 8. Whitehall. **407.** Council of Trade and Plantations to the King. In obedience to your Majesty's Order in Council, April 18, we have heard the petitioners William Crouch and others and examined the matter, and do thereupon humbly represent that pipe-staves, deal boards and timber, being none of the enumerated commodities prohibited by law to be transported directly from your Majesty's Plantations to foreign countries, the *Mary*, now stopt in New England, should be permitted to proceed on her voyage, and that your Majesty's pleasure may be signified to Lord Bellomont accordingly. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* New England, 38. *pp.* 16, 17.]

May 8. **408.** Copy of Mr. Chilton's Patent for the place of Attorney General in Barbados. *Endorsed*, Recd. 25th June, 1700. *Latin.* $1\frac{3}{4}$ *pp.* [*Board of Trade.* Barbados, 8.. *No.* 51; *and* 45. *pp.* 83–86.]

May 8. Whitehall. **409.** William Popple to Mr. Pulteney. The Council of Trade and Plantations, having several matters at present under consideration relating to the Bermuda Islands, and observing that His Majesty's Order in Council, Dec. 10, 1696, directed a skilful engineer to be sent thither, and that Mr. Heber Lands was accordingly appointed, desire you to inform them whether the said Lands or any other engineer have yet been there, and that if any report have been made to the Board of Ordnance relating to the state of those Islands, they may be favoured with a copy. [*Board of Trade.* Bermuda, 29. *p.* 310.]

May 8. Whitehall. **410.** Council of Trade and Plantations to the King. With regard to the petition of Capt. George Brook, April 18th, he has

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been recommended to us by his Grace the Duke of Schonberge, as one who has served him several years as aide-de-camp with diligence, prudence and conduct, and we therefore humbly submit his qualifications for the Government of the Bermuda Islands, together with the other petitioners for the same employment mentioned in our Report of Feb. 15th. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. *Mem.*—This report of Feb. 15th not having been yet laid before His Majesty, this was added to it. [*Board of Trade.* Bermuda, 29. *pp.* 308, 309.]

May 8. Whitehall. **411.** Council of Trade and Plantations to the King. In obedience to your Majesty's Orders in Council, May 2, we have heard and examined what Sir Thomas Day hath to offer upon his petition. We humbly lay before your Majesty his answers to the heads of complaints against Mr. Day mentioned in our Representation, Feb. 28. To the charge that he has illegally imprisoned and fined Mr. Randolph, he can only offer what his son has writ to this Board, wherein we see nothing to induce us to change our opinion. In answer to the complaints that Mr. Day has made alterations in the Council, contrary to his Instructions, and has unwarrantably displaced several other officers, and to other charges, he refers to a person, whose name he knows not, now coming over in order to Mr. Day's general defence. As to Mr. Day's refusing to allow depositions to be taken, he produced an affidavit intended to invalidate Mr. Richier's evidence, and a declaration of several Justices that he never hindered them from taking any depositions. To invalidate the testimony of Wm. Brice, he has produced an extract of the commitment of Brice to Newgate for felony and robbery, and thereupon further informed us that he was committed together with two others who were both hanged, but that Brice, being sick at the time of that trial, escaped afterwards for want of evidence.

As to the case of the *Dolphin* sloop, having heard Sir Thomas Day and Mr. Mears, we humbly represent that one part of the petition, for the appointment of a Commission to examine witnesses, has already been granted, Nov. 2 last, and that as for the other part, your Majesty be pleased to require Mr. Day to give 2,000*l.* security before he leave the Bermuda Islands, to abide the determination of your Majesty in Council as to damages, etc., which Sir Tho. Day thinks reasonable.

Upon the whole matter, we find nothing alleged by Sir Thomas Day in behalf of his son, or by Mr. Day in his own behalf, to alter our former opinion for his removal; but whether your Majesty may be otherwise induced to expect any further answer or justification from him or the gentleman said to be coming hither for that purpose, is mostly humbly submitted to your Majesty's determination. *Signed*, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, George Stepney. [*Board of Trade.* Bermuda, 29. *pp.* 300–308.]

May 9. Hampton Court. **412.** Order of King in Council. In accordance with the Representation of May 8, the *Mary* is to be permitted to proceed on her voyage to Spain and Portugal; whereof Lord Bellomont

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and all others whom it may concern are to take notice and to govern themselves accordingly. *Signed*, John Povey. *Endorsed*, Recd. June 3, Read June 10, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 38; *and* 38. *pp.* 23, 24.]

May 9. Hampton Court. **413.** Order of King in Council, that Lt. Gov. Samuel Day give security in 2,000*l.* to abide the determination of H.M. in Council relating to his proceedings against the *Dolphin* sloop. *Signed*, John Povey. *Endorsed*, Recd. Read July 24th, 1700. ¾ *p.* [*Board of Trade.* Bermuda, 4. *No.* 28; *and* 30. *p.* 37.]

May 9. Boston. **414.** Minutes of Council of Massachusetts Bay. Payment of wages of Capt. John Hill and the garrison of Fort Mary, at Saco, Aug. 31, 1699–April 23, 1700, ordered.

Payment to John Hubbard for a gun impressed from him in 1697 and mounted on Castle Island ordered.

Payment of the account of Duncan Campbell, postmaster, ordered.

Committee appointed to audit the accounts of soldiers lately posted on the frontiers, of the fitting of the *Province* galley and other military expenditure.

Licence granted to John Green, cooper, to erect a building of timber upon a piece of land formerly Henry Messinger's, near to the old burying place in Boston, provided he carry up a brick wall betwixt it and the house of Jeremiah Bumstead, and cover the roof with slate or tile.

Licence granted to William Payne, joiner, to erect a timber building nigh unto his dwelling house in Boston, provided he slate or tile the roof and roughcast the west and south sides.

Licence granted to Thomas Downe, of Boston, to erect a timber building on a piece of land abutting on the New Lane, so-called, or highway leading towards Roxbury, provided it be set at 20 rods distance from any other building on the same side of the way.

Licence granted to Mary Small of Boston, widow, to erect a timber building in addition to one end of her dwelling house at the south end of the town.

Licence granted to the owners of the water-mills in Boston to make an addition of timber building to each of the mills to lodge grain in. [*Board of Trade.* New England, 49. *pp.* 289–290.]

May 9. Hampton Court. **415.** Order of King in Council, approving of the Representation of the Council of Trade and Plantations, May 8, and ordering directions to be sent to the Governors of Plantations in America for seizing the *Beckford* galley and the men on board her and proceeding against them according to law. Drafts of letters to be prepared and submitted to His Majesty accordingly. *Signed*, John Povey. *Endorsed*, Read June 17, 1700. 1¼ *pp.* [*Board of Trade.* Plantations General, 5. *No.* 60; *and* 35. *pp.* 277, 278.]

May 9. **416.** Minutes of Council of New York. Memorial of Valentine Cruger and H.M. Order in Council, Dec. 21, 1699, read and com-

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plied with, Cruger being left at liberty to proceed in due form before the Board.

J.P.s of County of Richmond ordered to take care that the quota of the 2,000*l.* tax allotted to be paid by that county be paid by this day seven-night, or to appear before the Board on that day and shew cause.

Petition of Thomas Morgan and Garrit Veehte read. Ellis Duxbury, J.P. of Richmond County, summoned to appear before the Board.

Jonathan Davis paid 4*l.* 18*s.* for sweeping the chimneys in the fort, and John Rodman 25*l.* for building a party wall between his house and the King's in New York.

Commissioners appointed for the trials of Lamberse and Platt. [*Board of Trade.* New York, 72. 313–316.]

May 9. **417.** Journal of Council in Assembly of Maryland. Petition of Major William Barton, High Sheriff of Prince George's County, read, signifying that he had had an unknown Indian committed to his custody by the J.P.s of the county, but that the Delegates utterly refused him allowance for imprisonment fees, and praying for relief. Recommended to the House, that they again take the petition into consideration.

It being moved at the Board whether it be expedient that this General Assembly after the end of three years should be dissolved or continued, it was advised that they be dissolved, for the general satisfaction of the country.

Bills for the speedy trial of criminals, making valid the will of James Tyer, securing the frontiers, naturalising Michael Bellicane, repealing certain laws and confirming others, were sent up, assented to and returned.

The Journal of the Committee of Accounts was brought up, read and assented to. Resolved, that, when the Assembly is prorogued, it only be from two months to two months.

The proposal of the Delegates, that His Excellency, having saved the country 500*l.* by taking off 10 Rangers, and lessened many former charges, and, coming into this Province at a time of very great scarcity, having been put to very great difficulties, and yet never reflected on the Province, be given a gratuity of 200*l.*, was assented to.

The Delegates proposed, and the Council assented to, the appointment of a Surveyor and Committee for running out the bounds of the land formerly granted to the Choptank Indians, upon which no person was to settle without leave from the said Indians.

The Council assented to the order of the Delegates that if Major Dorsey, before the next Provincial Court, make over to his son a real estate equivalent to the lot and houses, which his son hath at Annapolis, formerly in the occupation of James Cullen, and shall sufficiently repair the said houses and convey them and let to His Majesty for a Public Store, his fine of 200*l.* shall not be levied.

The Governor returned thanks for the gratuity of 200*l.*

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The Delegates submitted a proposed ordinance for running out land of the Piscattaway Indians according to the direction of Major William Boreman. The Council replied that they could not consent to depending on a deaf old man, as Major Boreman is, and recommended that the bounds be run out as they are recorded in the Council Book of Lord Baltimore, and that no person be permitted to dwell within the bounds without the Indians' consent.

Bill for establishing Religion ordered to be committed to the care of Dr. Bray to be sent for England.

Bill for assessing the public levy was read, amended by omission of the clause touching the disposal of the money, the Board holding it not at all advisable to leave the public bank quite empty, especially until the face of affairs be better settled, and sent down. It was sent up again, passed and returned. Committee appointed to pay the Rangers.

The Delegates addressed His Excellency for the speedy trial of prisoners now in custody; he replied that they should come to their trial some time next month.

Mr. Speaker and the Delegates attended with the Bills passed this Session, together with an Address to His Majesty to establish the Act of Religion. His Excellency assented to and sealed the said Laws, and then prorogued the General Assembly till July 9th. [*Board of Trade.* Maryland, 14. *pp.* 546–554.]

May 9. **418.** Journal of House of Delegates of Maryland. Bill for the speedy trial of criminals read the third time and assented to. Put to the vote whether 200*l.* or 150*l.* shall be the present made to His Excellency, carried in the affirmative (*sic*).

Mr. Charles Hinson was sworn a Delegate for Kent County.

The Governor and Visitors of the Free School agreed that the library should be placed in the Free School until it can be otherwise disposed of, without any rent. The House returned thanks to them.

Petition of Mr. Barton rejected.

Ordered that Dr. Bray be returned thanks for his excellent sermon of that text "Remember thy Creator in the days of thy youth," and that he be acquainted that this House desires it to be printed, for which he thanked them.

Petition of John Mitchell for an allowance as door-keeper referred to the laying the next Public Levy.

Upon Mr. W. Bladen's proposals (1) it was resolved that Mr. Bladen print the Body of the Laws of this Province, if to His Excellency it shall seem meet, and that, upon his delivery of a copy to each County Court, he shall be allowed 2,000*lb.* of tobacco in each county; (2) a Committee was appointed for building a prison for any sum not exceeding 200*l.* sterling.

Bill for assessing the Public Levy read twice. The amendment by the Council was accepted.

The ordinance relating to the Piscattaway Indians being returned to the House with the Council's message (*supra*), the House "conceived the matters relating to the said Indians is

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too tedious now further to proceed thereon," and referred further consideration thereof till next session.

The amended Bill for apportioning the Public Levy was read twice.

Mr. Christopher Gregory, late Clerk of the House of Delegates, having died two months before the year for which his salary had been paid, ordered that his executors refund 2,000*lb.* of tobacco to Wm. Taylard, who has officiated since Mr. Gregory's death.

Resolved that Capt. Richard Hill with all convenient speed build a prison, as specified last Session, only the foundation to be of stone, and the other parts of the wall up to the plate of brick, on some lot in Annapolis as His Excellency shall direct, and be paid 150*l.* sterling for the same. To this His Excellency and Council would not consent, unless it were built of stone according to the dimensions in an ordinance of last Sessions. Referred to the Committee appointed to contract for the building.

Address to His Majesty signed. *And see preceding abstract.* [*Board of Trade.* Maryland, 15. *pp.* 536–550.]

May 9. Hampton Court. **419.** Order of King in Council. All Commissions for trying pirates pursuant to the late Act of Parliament, as well in H.M. Plantations in America as in the East Indies, are to be passed under the Great Seal of England. Copies of the report of Mr. Attorney and Mr. Solicitor General, and of the draught of a Commission prepared by them for trying pirates in the East Indies, are to be sent to the Lords Commissioners of Trade and Plantations for their opinion. They are also to prepare the draught of a Commission for trying pirates in America for H.M. approbation. *Signed*, John Povey. *Endorsed*, Recd. Read May 10, 1700. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 57; *and* 35. *pp.* 204, 205.]

May 10. **420.** Memoranda of drafts of Commissions for trying pirates in the East Indies, referred to in preceding. *Endorsed*, Recd. May 10, Read May 13, 1700. ¼ *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 58, 59.]

May 10. Whitehall. **421.** Council of Trade and Plantations to the Principal Officers of H.M. Ordnance. The fuzils which you are directed by the Treasury to provide, we desire you to furnish to Mr. Champante of the longest and lightest sort. This service requires the greatest dispatch. The ammunition may be according to that laid before you by Mr. Champante. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, George Stepney. [*Board of Trade.* New York, 54. *p.* 218.]

May 10. Whitehall. **422.** Council of Trade and Plantations to Governor the Earl of Bellomont. As we were finishing our letters of April 11th and 19th, H.M.S. *Advice* arrived. The letters which she brought were carried to the Admiralty, and thence we have received your letter of Feb. 28th. But another of your letters, dated March 6th, appearing to relate wholly to Kidd and other pirates, remains

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with the Lords of the Admiralty, together with all the papers belonging to it. We were so sensible of the importance of your information relating to the Indians that we thought it our duty forthwith to lay a copy of all that part of your letter (Feb. 28) before His Majesty with our representation thereupon. Copy enclosed. His Majesty's particular orders thereupon will undoubtedly be sent to you in due time. Meanwhile, we think it necessary to acquaint you in general that His Majesty has been pleased to agree to all our proposals and even to the making up the four companies at New York 400 effective men, viz., with 100 men from the islands of Jersey and Guernsey, and 150 from Ireland, so that in case of necessity your Lordship may have a farther reserve of assistance from New England. There shall be nothing wanting in us to hasten the dispatch of all the things requisite on the present occasion, not doubting of your Lordship's care to apply every particular to the best advantage for H.M. service. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, George Stepney. [*Board of Trade.* New York, 54. *pp.* 219–221 ; *and* (*rough draft*), 44.A. *No.* 43.]

May 10. Barbados. **423.** Governor Grey to the Council of Trade and Plantations. I received your Representation, Sep. 14th, and the Lords Justices' Order for removing all delay in the case of Sir Peter Colleton's executors. The executors have certified to me that Judge Colleton is not liable to be censured for the delays they have met with. *Signed*, R. Grey. *PS.*—I shall send by the next conveyance the Journal of Council, Assembly Acts, and Minutes of Stores. *Endorsed*, Recd. July 1st, Read ditto 17th, 1700. 1 *p. Enclosed*,

423. i. Executors of Sir Peter Colleton to Governor Grey. Our suit hath been long and tedious, but we cannot charge Judge Colleton with making any use of his authority to delay it. The delays have been chiefly caused by the death of the late Governor, and by the death and removal of Judges. *Signed*, Wm. Sharpe, George Peers, Tho. Garth. ¾ *p.* [*Board of Trade.* Barbados, 8. *Nos.* 54, 54.i. ; *and* 45. *pp.* 96–98.]

May 10. Whitehall. **424.** Council of Trade and Plantations to the Earl of Jersey. In answer to the Earl of Limerick's petition for a grant of Pemaquid, we desire you would please to inform his Majesty that the whole country between Nova Scotia and the Province of Main, in which Pemaquid is included, has already, by H.M. Royal Charter to the Inhabitants of the Province of Massachusets Bay, been granted to them with power to make and pass grants of particular tracts of lands within the whole boundaries of that Province, but with a reservation nevertheless that no grants of any lands between the river of Sagadahock and the Gulph of St. Lawrence, in which Pemaquid is also included, should be of any force until His Majesty, his heirs or successors shall have signified his or their approbation of the same. By which it appears that His Majesty cannot gratify the petitioner in the matter of his request, until a grant of such lands be first obtained from

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the Corporation of the Massachusets Bay. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* New England, 38. *pp.* 18, 19.]

May 10. **425.** Copy of the trial, Jeremiah Basse, John Lofting and partners *v.* the Earl of Bellomont, relating to the *Hester*, seized in Perth Amboy. [The case, of which the argument is given together with the Lord Chief Justice's address to the jury, turned upon the question whether East Jersey was dependent on, or a distinct Government from New York.] King's Bench, May 10, 1700. *Endorsed*, Recd. Read Oct. 30, 1700. Recd. from Mr. Baker, late Solicitor of the Treasury. 41 *pp.* [*Board of Trade.* New York, 10. *No.* 20.]

May 10. Skinners' Hall. **426.** Wm. Thornburgh to William Popple. The Lords Proprietors of the Bahama Islands are of opinion that, since the late Act of Parliament has placed the approbation of their Governors in His Majesty, it cannot be expected they should give security for the behaviour of such persons as are so constituted, it being not required by any Act of Parliament that they know of; and especially considering such has been their care, the Governor hath entered into the bond of 2,000*l.* to my Lord of Bath in trust for the Lords Proprietors. Nevertheless, they are very well contented that the Governor shall likewise enter into bond with the King or otherwise as their Lordships shall direct. *Signed*, Wm. Thornburgh. *Endorsed*, Recd. Read May 10, 1700. 1 *p.* [*Board of Trade.* Proprieties, 5. *No.* 46; *and* 26. *p.* 208.]

May 10. **427.** Journal of Council of Trade and Plantations. Letter to Lord Jersey, in answer to his of April 27, signed.

Letter to the Board of Ordnance signed.

Letter to Lord Bellomont, in answer to his of Feb. 28, signed.

Order of Council, May 9th, about Commissions, read. Sir Charles Hedges, Mr. Attorney General and Mr. Solicitor General summoned to attend.

Letter from Mr. Thornburgh, May 10, read. Capt. Hasket was informed that this Board are not satisfied with what Mr. Thornburgh writes, and cannot recede from what the said Thornburgh has been several times advised they insisted upon, by His Majesty's Order in pursuance of the Address of the Lords Spiritual and Temporal, March 18, 1696; that Hasket may acquaint the Lords Proprietors therewith; and for his own better information a copy of the Article in the said Address, which relates to this matter, was given him. [*Board of Trade.* Journal, 13. *pp.* 36, 37; *and* 97. *No.* 88.]

May 11. **428.** Attorney and Solicitor General to the King. In obedience to your Majesty's Order in Council, May 2, we have considered of the petition annexed, and find that the office of Secretary of Barbadoes hath in all times past been a Patent Office, and in the gift of your Majesty and Royal Predecessors. We likewise find that, upon the resignation of William Welby, Esq., your Majesty granted, Aug. 29, 1699, the said office to petitioner, who thereupon

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repaired to the said Island to execute the said office, but was hindered by the Governor and Council on pretence that he was born in Scotland and therefore was incapable of exeeuting the office within the meaning of an Act passed in the seventh and eighth year of your Majesty's reign. We have considered this Act, for preventing frauds, etc., and are humbly of opinion that a Scotch man, being in law a natural-born subject of England to all intents, is not restrained by the said Act from executing any place of trust in the said Island, and that a Scotch man is a native born subject of England within the construction of that Act, and therefore we humbly conceive the petitioner by your Majesty's said grant to be well qualified for the said office and ought to enjoy the same. *Signed*, Tho. Trevor, Jo. Hawles. *Endorsed*, Read 7th June, 1700. 1¼ *pp.* [*Board of Trade.* Barbados, 8. *No.* 48; *and* 45. *pp.* 64, 65; *and* (*memorandum only*, ¼ *p.*), Plantations General, 5. *No.* 61.]

May ½½. Fort Kykoveral Rio Yssequebe

429. Samuel Beeckman to the Directors of the Dutch West India Company, at the Chamber of Zealand. I enclose copies of my last, Jan. 2nd, sent in the *Brandenberg*, which I hope will have arrived by now. I send herewith a muster-roll indicating the changes that have occurred since then, the deaths of Christians and slaves, etc. Until to-day, 22nd, we have not received the briefest letter from your Worships about Berbice. Consequently there is nothing to say but to announce the prosperity of this Colony and the newly cut Plantations here, which we calculate will produce as much as 800 hogsheads of sugar, and if we had not so many dead, and [*if we had*] better slaves than those lately brought by the *Brandenberg*, whose bad condition has not been equalled in my memory or that of any of the inhabitants, that amount would doubtless have been much enlarged. We will, however, apply ourselves with all diligence to increase your Worship's prosperous Colony and to make up with the living for the dead, till new be provided in conformity with our preceding demand. We will also, in view of authorisation from you, keep in our minds the preparation of everything for the purpose of a new fortress for this river, which is very necessary. For which reason we have permitted our late secretary, Wilhelmus Maas, in company of M. Adriaan Hollander, Counceillor of this Colony, with their wives, and a certain Capt. Nicolaas Evertse, to go to Barbados; the last named principally to enjoy himself a little with the women, but the Secretary in order on behalf of the Company to ask permission from the Governor there for us to send our vessel with wood, which is much in demand there, in exchange for limestone to be brought back here, out of which we thought to lay up a store of lime for the fortress aforesaid. But this has been politely refused. On this voyage I lost my wife's sister, wife of M. Hollander. It pleased God to lead the Secretary also away to the heavenly path after his return hither. It is said that there has been an infectious disease in Barbados which caused the great heat in his blood. From this and the lack of your letters, we are in great perplexity. We are deprived of good

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penmanship, and have only one man who can assist us in this respect, who says that for one man the function of book-keeper and secretary is too heavy, for, the Colony increasing daily, therefore the business of the Company must increase largely too. It would indeed be better if this office were divided. We shall not be able to employ our present slaves to begin the proposed work of fortifications, unless we are provided with new; or the Company's Plantations would have to decline, which we expect to increase and intend by the next conveyance to give proof of over 400 hhds. and 25 barrels of oriand colour, for which reason we earnestly beg that our expected bottom may soon be sent hither, to be here at latest by June. *Signed*, Samuel Beeckman. *Inscribed*, Read 6 Sept [*N.S.*], 1700. 4 *pp. Dutch. The style is very obscure. Enclosed*,

429. i. Muster-roll of the Company's servants referred to above. 4 *pp. Dutch.*

429. ii. S. Beeckman to the Dutch West India Company. May 22, [N.S.] 1700. *Copy of above letter.* 2¼ *pp. Dutch.* [*Colonial Office Transmissions.* Berbice, 457. *Nos.* 2, 2.i.–ii.]

May 12. **430.** Charles Lodwik to the Council of Trade and Plantations. Several weeks since, His Majesty referred my humble petition, in behalf of the merchants and principal inhabitants of the city of New York, representing the great hardships and discouragements the lawful trade of that Province lay under by uniting the civil Government of New York to that of New England. I being now ready to go back to New York, humbly beseech your speedy report thereon. *Signed*, Charles Lodwik. *Endorsed*, Recd. 14th, Read 23rd May, 1700. ¾ *p.* [*Board of Trade.* New York, 9. *No.* 33.]

May 13. Newport. **431.** Petition of the Governor and Company of His Majesty's Colony of Rhoad Island and Providence Plantations to the King, praying for the continuance of their privileges according to their Charter. A poor, distressed and persecuted people, we have been wonderfully preserved for upwards of 60 years, in spite of the endeavours of our neighbours, etc. *Signed*, by order of the General Assembly, Sam. Cranston, Governor. 1½ *pp.* [*Board of Trade.* New England, 10. *No.* 39.]

May 13. Hampton Court. **432.** Earl of Jersey to the Council of Trade and Plantations, referring the petition of Ben. Niccol and others for their report. *Signed*, Jersey. *Endorsed*, Recd. 17th, Read 23rd May, 1700. 1 *p. Enclosed*,

432. i. Certificate of Henry Wigington that he was refused an appeal in the case of the *Cole and Bean* galley, although applied for without leaving the Court. Carolina, March 5, $\frac{1699}{1700}$. *Signed*, Henry Wigington. 1½ *pp.*

432. ii. Petition to the King by the owners of the *Cole and Bean* galley, seized in Carolina, December last, under

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pretence of not having a certificate according to the requirements of the Act for preventing frauds, etc. The galley was a prize taken from the French, was lawfully condemned, and belongs wholly to petitioners. She was registered with Sir John Shaw, the Collector of Customs in London, and had his certificate of freedom, March 17, 1695, which is as full as the certificates now used. Joseph Morton, Judge of the Admiralty in Carolina, refused good security offered, condemned the galley and cargo outright, and refused to grant an appeal or to allow your Majesty's Custom House Officer to take care of your Majesty's third part. Petitioners were ignorant of the law, or would have furnished the certificate required. They pray for relief. *Signed*, Ben. Niccoll, John Crosse, Gyles Beene, Patrick Walsh. *Copy.* 1 *p.*

432. iii. Copy of certificate of Sir John Shaw, referred to in preceding. 1½ *pp.*

432. iv. Deposition of Benja. Niccoll that the *Cole and Bean* was taken and condemned for prize, as stated above, and that no foreigner hath any interest in her. London, April 19, 1700. ½ *p.*

432. v. Copy of proceedings of the Admiralty Court, Charles Town, Dec. 28, 1699, and Jan. 5, 1700, in the case of the *Cole and Bean.* 9½ *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 47, 47.i.–v.; *and* (*letter and petition only*) 26. *pp.* 210–212.)

May 13. Newport. **433.** Governor and Company of Rhode Island to the Council of Trade and Plantations. We received from Lord Bellomont your letter of Aug. 11, 1699. We do not justify ourselves in anything that doth appear amiss to your Lordships, but submit to your great wisdom, and as you exhort us to a thorough reformation of such things as you say is too notoriously known amongst us, we shall endeavor the same, and in order thereunto have put the late Dep. Gov. Major Green out of any place of trust in the Colony, and have also ordered a new transcript of our laws, as exactly as they can be, to be sent you under the Seal of the Colony, with what expedition may be. We also enclose a copy of the Repealed Act about the Deputies' engagements, with the names of the whole Assembly as they stand upon record that repealed that Act, and the copy of another Act for the engagement of Deputies made since the receipt of your letter. We have examined the late Governors and the late Dep. Gov. Major Green concerning what commissions have been granted by them to any captains of ships, etc., and cannot understand of any more than one besides what you have received, which was granted by Major Green, by leave of the then Governor, Walter Clarke, to Capt. Peter Lawrence, to cruize upon this coast, and by virtue of the same took two French fishermen and was "niver of from the coast further than Cannida," the which commission, etc., we shall transmit with our Laws. There has been some other com-

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missions granted when the French came upon our coast, robbed and spoiled His Majesty's subjects at Block Island, within this Colony, by virtue of which commissions they rescued the inhabitants, fought the French and put them to flight, after which returned their commissions, being only for that expedition, they never proceeding without the limits of our charter. We most humbly beg your Lordships' pardon for what of negligence doth appear in us. If there hath been any misinformation by us, it was through misunderstanding. It was never in our hearts to shuffle with you. We have many enemies who endeavour to render us contemptible and obnoxious, we not having that correspondency, nor are we of that ability in England to make that just defence for ourselves as other Government(s) are. We submit ourselves and cause at His Majesty's feet, and your great wisdom, it being our supplications to the most high and omnipotent God to direct you to do that which will redound to His Majesty's glory and your honour. *Signed*, Samll. Cranston, Governor. *Endorsed*, Recd. 1st, Read 26th July, 1700. 2½ *pp. Annexed*,

433. i. Abstract of preceding. ¾ *p.*

433. ii. Copy of Act of General Assembly of Rhode Island and Providence Plantations, Newport, 30 October, 1672, as to the engagement of Deputies. 1 *p.*

433. iii. Copy of Act, repealing above Act, Newport, Oct. 31, 1677, with the names of the Deputies present on that occasion. 1 *p.*

433. iv. Copy of an Act of Assembly of Rhode Island, Newport, May 1st, 1700, providing that every Deputy shall in open Court take an engagement of allegiance to the King, fidelity to the Colony and its charter, and justice to all persons that shall appeal for their judgments. ¾ *p. Seal.* [*Board of Trade.* Proprieties, 5. *Nos.* 48, 48.i.–iv.; *and* (*without enclosures*) 26. *pp.* 260–266.]

May 13. **434.** Journal of Council of Trade and Plantations. Capt. Hasket acquainted their Lordships that, notwithstanding he has given security to the Lords Proprietors of the Bahama Islands, yet they remain absolutely averse to be obliged themselves to the King, as has been proposed to them. Ordered that the Secretary write to Mr. Thornburgh (May 14.)

Letter to Mr. Champante ordered to enquire what progress is being made with the clothing for the soldiers at New York, presents for the Indians, and money for the Fort.

Order of Council, May 2, repealing the Jamaica Act obliging Patentees to reside, read.

Letter from Mr. Burchett, May 4, read. Commissions for the trial of pirates in the Plantations considered.

May 14. Letter to Mr. Thornburgh approved of and sent.

Draught of letter to Sir William Beeston approved of.

Col. Codrington acquainted their Lordships that he expects now in a few days to receive his money out of the Treasury, and

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will be then immediately ready to part for his Government. He hears the Admiralty are about sending two ships to Jamaica, and desires the Board to write to the Admiralty that he may have his passage in one of them to the Leeward Islands. He offered some proposals relating to the soldiers at St. Christopher's. which he promised to put in writing.

Mr. Pollexfen communicated to the Board a paper on the causes of fevers in Barbadoes.

Draught of a letter to Mr. Grey approved.

Letter from Col. Blakiston, Feb. 2, read, and the papers therewith transmitted laid before the Board. [*Board of Trade.* Journal, 13. *pp.* 38–42 ; *and* 97. *Nos.* 89, 90.]

May 14. Whitehall. **435.** Wm. Popple to William Thornburgh. In answer to yours of 10th inst., the Council of Trade and Plantations desire you to acquaint the Lords Proprietors of the Bahama Islands that, the Address of the Lords Spiritual and Temporal in Parliament having been given them in command by His Majesty as a rule to be observed, they cannot deviate from what is thereby prescribed. It is therefore expected that the Lords Proprietors do at least oblige themselves to His Majesty under their common seal for the person nominated by them to be Governor. [*Board of Trade.* Proprieties, 26. *p.* 209.]

May 14. Hampton Court. **436.** Earl of Jersey to the Council of Trade and Plantations. Your representation of April 24th was laid before the King with the first opportunity. His Majesty was pleased to send directions to the Treasury about providing the present of arms for the Indians and for recruiting His Majesty's forces in New England, as was proposed by your Lordships. As to the building of a new sod fort there, His Majesty directed the Board of Ordnance to furnish 500*l.* towards the charge of it, whereupon they made the enclosed report, notwithstanding which His Majesty has repeated his Orders to my Lord Romney to give the necessary directions to the Board of Ordnance for supplying the sum of 500*l.* towards building the said sod fort, and your Lordships may please to call upon them for the dispatch of it. You will understand by the enclosed that Col. Romer is to continue in New England. *Signed*, Jersey. *Endorsed*, Recd. 15, Read 17th May, 1700. 1¾ *pp.* *Enclosed*,

436. i. Report of the Ordnance Office to the Rt. Hon. Henry, Earl of Romney. We are informed that several works have lately been done in New England, and we know nothing to the contrary but they have been performed at the charge of the Plantation. Should this money be sent over, it may involve this Office into a much further expense, and we are afraid your Lordship cannot justify the sending over money for fortifications there, since the Parliament have several times refused to make any provisions for the Plantations, whereupon we have great reason to believe the money given to

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our Office is appropriated by Parliament only for keeping H.M. Forts and Garrisons of this kingdom in repair, and it is well known to your Lordship the ill condition they are all in, that certainly all the money that can be spared by our Office ought to be applied to that service, so we hope His Majesty will think it reasonable that the Planters of New England as well as other Plantations should for their own security be at charge of making this new fort and pursue the same methods by which their other works have been performed. There has not been any orders sent from us to remand Col. Romer home, but we shall direct him to continue there till His Majesty is pleased to signify his pleasure for the recalling him. Office of Ordnance, May 4, 1700. *Signed*, Jon. Charlton, C. Musgrave, Ja. Lowther, Wm. Boulter. 1½ *pp.* [*Board of Trade.* New York, 9. *Nos.* 34, 34.i.; *and* 54. *pp.* 222–226; *and* (*memorandum of above*, 1 *p.*) New England, 10. *No.* 40.]

May 14. **437.** Minutes of Council in Assembly of Barbados. Mr. Daniel Hooper took the oaths appointed, as a member of the Assembly. Petition of William Roberts read and referred to the Assembly.

Capt. Francis Draycott and 16 men ordered to be paid for attendance of the magazine.

The petition of George Duncan was read and rejected.

William Heysham, Agent of the Royal Company, was paid the balance of the account for the *Falconburgh* taken up for the expedition against Martineque in the time of the late war.

The Assembly was summoned, and His Excellency recommended to their consideration (1) the repair of the forts, etc.; (2) that all persons, who pay not in the 3*s.* tax on negroes by the time appointed by the Act, be returned into the Exchequer. (3) That the Committee of Accounts make a return of all outstanding debts, and that all defaulters be returned into the Exchequer. (4) That a Joint-Committee be nominated to consider Magnus Popple's proposals for making a harbour at St. Michael's. (5) That they give an answer to what was recommended them relating to the donations, (6) and building a gaol.

The Assembly signified to His Excellency that they designed to decide their controverted elections before proceeding upon other business. His Excellency asked if they had any law for it, for in England 'tis otherwise. The Speaker replied that it was their ancient custom. His Excellency advised them to consider further, and laid the ill consequences thereof before them. The Hon. Tho. Sadleir was appointed Chairman of the next Court of Oyer and Terminer.

The Assembly announced that they adhered to their former resolution, and signified that, whereas Col. Harrison had preferred a petition to His Excellency and Council purporting that Col. Merrick, a Member of this Board, to whom the writ was directed to elect Representatives for St. Peter's Parish, did not live in

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those precincts, and that the writ therefore was not legally granted, and praying that he may have time to make his allegations appear, which was granted, and the petition ordered to be heard next Council day, the Assembly alleged they ought to determine it themselves pursuant to the Laws in this case provided. After debate, Mr. Solicitor was sent to them with the book of the Laws to tell them that it was the opinion of His Excellency and the Council that the petition did not interfere with their jurisdiction, but lay before this Board only, since the petition was not to determine the legality of the election, but only the mode of granting the writ. The Assembly moved that the Court of Grand Sessions be adjourned as formerly at the discretion of the Court, considering the inconveniencies that may attend the inhabitants by their being called together, should the present contagion continue. His Excellency said he could not do it, it being contrary to an Act of the Island, but if they would prepare a Bill to that purpose, this Board would consider it. Mr. Solicitor was again sent to assure them that this Board would not entrench upon their jurisdiction, but that they were still of opinion that the petition of Col. Harrison did not lie before the Assembly by any law of the Island. The Assembly adhered to their opinion that to adjudge of the writ is to adjudge of the legality or illegality of the controverted election. [*Board of Trade.* Barbados, 65. *pp.* 509–511.]

May 14. **438.** Minutes of General Assembly of Barbados. The House was called over and Robert Morris fined, but upon his application to the House, the fine was remitted.

The petition of William Battyn was dismissed, petitioner not appearing.

Petition of Alexander Walker, who objected that George Thomson, one of the voters, was not a freeholder qualified to vote for Representatives, was referred, witnesses being absent through sickness. *And see preceding abstract.* [*Board of Trade.* Barbados, 65. *pp.* 558–562.]

May 15. **439.** Col. Codrington to the Council of Trade and Plantations. I am prepared to sail immediately, and beg you to write to the Admiralty that they may direct such provision as is usual. *Signed*, Chr. Codrington. *Endorsed*, Recd. Read May, 1700. 1 *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 61; *and* 46. *pp.* 39, 40.]

May 15. Office of Ordnance. **440.** William Phelps to Wm. Popple. In answer to your letter of the 8th, Mr. Heberlands was, pursuant to His Majesty's Order Dec. 10, 1696, appointed to go engineer to the Bermuda Islands, after he had been at Barbados, and thence to the Leeward Islands and back to Barbados again, whither he was first ordered to go. But he went no further than Barbados, so that no engineer did go to the Bermudas, and consequently no report was made to this Board relating to the state of those Islands. From Barbados he was recalled, as all other engineers abroad were, pursuant to H.M. Order in Council, Feb. 17, 169⅞. *Signed*, Will. Phelps. *Endorsed*,

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Recd. 15th, Read 23rd May, 1700. 1¾ *pp.* [*Board of Trade.* Bermuda, 4. *No.* 29; *and* 29. *pp.* 311, 312.]

May 15. **441.** Journal of Council of Trade and Plantations. In accordance with a memorial presented by Col. Codrington, letter to the Admiralty ordered desiring that he may have passage for himself and such a number of servants with such tonnage as is usual. [*Board of Trade.* Journal, 13. *pp.* 44, 45; *and* 97. *No.* 91.]

May 15. **442.** Minutes of Council of New York. The L.G. deposed on oath that all the pirates' goods he had received from Governors Blakiston, Penn, etc., were now in the Council Room, except 69*l.* 10*s.* 5½*d.*, which he had taken out to defray their expenses.

Col. Abraham Depeyster ordered to go the circuit to Ulster and Duchess Counties, since the Judge appointed is suspended. Col. Depeyster's charges to be allowed by the Government.

May 16. The J.P.s of Richmond and Ellis Duxbury not appearing, the messenger was ordered to go and serve them with the orders of May 9th.

Commission to try Lamberse delivered. [*Board of Trade.* New York, 72. *pp.* 316–318.]

May 16. **443.** Memorandum of Order in Council relating to Commissions for trying pirates in the East Indies. *Inscribed*, Recd. June 3, Read June 5, 1700. ¼ *p.* [*Board of Trade.* Plantations General, 5. *Nos.* 63, 64.]

May 16. Hampton Court. **444.** Order of King in Council. Whereas Alexander Skene has by his petition complained that His Majesty having, upon the resignation of William Welbye, granted petitioner the office of Secretary of Barbadoes by Letters Patents, the said Patent being produced before the Governor and Council of that Island, it was alleged against petitioner that he was born in Scotland, and therefore not capable to enjoy the benefit of the said Patent, by reason of a clause in the Statute made in the 7th and 8th of His Majesty's reign, "that all places of trust in the law or what relates to the Treasury of the said Island should be in the native-born subjects of England, Ireland and of the said Island," and Mr. Attorney and Solicitor General having reported their opinion, that "the office of Secretary of Barbados hath in all times past been a Patent Office and in the gift of your Majesty and Royal Predecessors, and that a Scotchman, being in law a natural subject of England to all intents is not restrained, by the clause quoted from the Act for preventing frauds and regulating abuses in the Plantation Trade, from executing any place of trust in the said Island, and that a Scotchman is a native-born subject of England within the construction of that Act, and that therefore petitioner is well qualified and ought to enjoy the said office," ordered that the Earl of Jersey prepare a letter for His Majesty's signature, requiring the Governor and Council of Barbadoes to admit Alexander Skene to the full and free execution and enjoyment

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of the office of Secretary of the island, with all the rights, perquisites and profits thereunto belonging. *Endorsed*, Reed. 14th, Read 17th June, 1700. 2 *pp.* [*Board of Trade.* Barbadoes, 8. *No.* 49; *and* 45. *pp.* 79–82; *and* Plantations General, 35. *pp.* 270–273; *and* (*memorandum only*, ¼ *p.*) 5. *No.* 62.]

May 16. Carolina. **445.** Mr. Randolph to Mr. Popple. Having seen several of the Bahama Islands in my passage from Providence, I arrived here 10th inst. I left those Islands in a very unsetled condition, the Lords Proprietors being wholly unacquainted with their true interest and benefit, being actuated per Mr. Amy and Mr. Thornton, their chief managers. That vast territory lies unimproved which, if under His Majesty's government, would bring in a vast revenue to the Crown. In my general discourse which I presented to the Board before I left England, I shewed the design of the Governors of those islands, who go over worth little or nothing, was to defraud His Majesty of his duty and the Proprietors of their perquisites and to enrich themselves by all unjust practices. I mentioned Mr. Trott as chief; all which and a great deal more I soon found verified of him. The inhabitants are petitioning to be freed from the arbitrary government of the Lords and their agents. Mr. Trott has married Mr. Amy's daughter; their Lordships, by Mr. Amy's persuasion, have sold Mr. Trott Hogg Island, which makes Providence Harbour, for 50*l.*, to the ruin of the inhabitants in the town of Providence Island. I find in this Province their Lordships by misinformation have at least made choice of very naughty men to be their Deputies, to the great discouragement of this most thriving settlement in these parts of America.

There are many pirates in the Gulph of Florida; three masters belonging to Bermuda are here, who had their vessels taken by them; I narrowly escaped one that day I arrived here. The Spaniards encourage them; the frigates lie in harbour, and all trade will in a little time to these parts of the world be destroyed. I have many things of moment to represent to the Lords, but have no opportunity, neither am able to set to writing, being lame in my left knee with lying the whole time upon the deck; the fatigues and hardships I suffer for want of a frigate are not to be told. I am endeavouring to get to Bermuda, where I expect letters from England, and afterwards to look into that place called a Proprietary Government in North Carolina. I hope the Lords at your Board will move that if a vessel be not already ordered for my transport, orders may be sent me from the Admiralty to hire one in Bermuda. *Signed*, E. Randolph. *Endorsed*, Reed. 10th July, Read 25th ditto, 1700. *Addressed*, To the Honble. Mr. Popple, Secretary at the Plantation Office, Whitehall. 1¾ *p.p* [*Board of Trade.* Proprieties, 5. *No.* 49; *and* 26. *pp.* 257–260.]

May 16. Whitehall. **446.** William Popple to Mr. Burchett. The Council of Trade and Plantations desire you to move the Lords Commissioners of the Admiralty to give directions that Col. Codrington, appointed Governor of the Leeward Islands, may have passage for himself

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and such servants and equipage as is usual for Governors in such cases in one of H.M. ships, which he is informed are designed to be sent shortly to the West Indies. [*Board of Trade.* Leeward Islands, 46. *pp.* 40, 41.]

May 17. Admiralty Office. **447.** J. Burchett to William Popple. The ships of war bound to the West Indies have been sailed some days since. *Signed*, J. Burchett. *Endorsed*, Recd. 17th, Read 28th May, 1700. ¾ *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 62; *and* 46. *p.* 41.]

May 17. Whitehall. **448.** Council of Trade and Plantations to Governor Sir William Beeston. Since our last letter, March 5, we have received yours of Jan. 5 and Feb. 1. We easily believe it is not without reason you complain in the first of those letters of the ill-consequences of Patentees acting by insufficient deputies; but His Majesty having by Order in Council, Feb. 16, 1698, directed what he thought fit to be observed for the preventing of those inconveniencies for the future, and it belonging only to him to make any alterations or new regulations in reference to Patents formerly past, and yet remaining in force, we think the Assembly of Jamaica did not sufficiently consider that matter, when by their late Act for obliging Patentees of Offices to reside in that Island they made void or at least limited the effect of several patents contrary to the conditions allowed by them. This has therefore obliged us to represent to His Majesty that he would please to repeal the said Act as derogatory to his Royal Prerogative, which has accordingly been done by Order in Council of the 2nd instant, whereof we send you a copy, though we doubt not but an original will be also sent you by some of the Patentees concerned, and you are to take care that His Majesty's pleasure therein be known and observed. But as for the ignorance you say you are kept in about the tenour of patents and the right of Patentees, and your being thereby liable to be imposed upon by ungrounded deputations, we think you will do very well, for the preventing of that inconvenience, to admit of no Patent where the original, duplicate or exemplification under the Great Seal does not appear to you. And when any Deputies are faulty in the performance of their duties, your Instructions are your rule how to deal with them. As for your complaints of Rere-Admiral Bembo and other commanders of H.M. ships in those parts, we have sent abstracts thereof to the Admiralty, and refer you to what they may think fit to write. We desire you to send us a copy of the form of writs used in that Island for the Election of Assemblymen, that we may compare it with the forms used in other places, in order to such observations as occasions may require. What you say about the severity and ill-consequences arising from the Acts for Trade are things in which we can give you no directions but what you find in the Acts themselves. And for what relates to Custom House matters, we refer you to the Commissioners of H.M. Customs.

Your care in putting the law in execution against pirates is very commendable. And we hope it will not be long before

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Commissions be despatched hence in pursuance of a late Act of Parliament for the more effectual suppression of piracy, which will make the proceedings in all His Majesty's Plantations more uniform and effectual than they have hitherto been on such occasions. We observe with much satisfaction that you had finished the Store-houses and Fort Charles, and were about to lay a line of guns for the defence of the harbour. But you have omitted to send us a draught of that fort, which we desire you to do, and for the future to send draughts upon all other such like occasions, And now for the better security of that harbour against any attacks by sea, we further offer to your consideration that the shooting of red hot bullets is of the greatest service against ships, so that you may do well to get good instructions how to do it when occasion shall require.

Having lately represented to His Majesty our opinion upon the Acts past in the General Assembly, Dec. 1698, and humbly offered that you might have his Royal permission to receive the present made you by the country, we send you here enclosed a copy of H.M. Order in Council thereupon, and believe the Agents will have taken care to send you the authentic orders that may be necessary thereupon. But we must acquaint you that the Agents have been too backward in attending Mr. Attorney General for his report upon the Acts past in June, 1699, which, whether it have been to delay the repeal of the foresaid Act for obliging Patentees to reside or for what other reason, we do not know; but so it is that we have not yet had his report upon any of those Acts except that relating to Patentees, which the Patentees themselves procured, and it is very necessary that some certain method be settled for preventing such like delays, which we leave to your consideration. Private Acts have sometimes proved an obstruction to the dispatch of the public. You will do well hereafter to send private Acts each of them single under distinct seals, and let the parties concerned know that it is necessary some persons here be instructed to solicit the dispatch thereof, and give information upon any doubts that may arise. In looking over the account of exportations, which you sent us October 13, 1698, and comparing it with the form of such accounts directed to be transmitted by H.M. Instructions relating to trade, we find it deficient in several particulars fit to be exprest. But as you had not then received those Instructions, we say nothing upon the time past; only for the future we desire you to let the several forms therein prescribed be the model of those accounts, and that you send us constantly copies of all, importations as well as exportations, quarterly or at least half-yearly, from time to time. So we bid you heartily farewell. Your very loving friends, *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, John Locke, Abr. Hill, George Stepney. [*Board of Trade.* Jamaica, 57. *pp.* 58–64.]

May 17. Whitehall. 449. Council of Trade and Plantations to Governor Grey. We have made a representation to the Lords of the Admiralty about the need of an established credit at Barbados in accor-

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dance with your letter of July 4. But we must observe that Mr. Thomas proceeded irregularly in making the bills of exchange payable to Mr. Blathwayt, by which means they were never presented, wheras if they had been payable to any merchant in London they would have been presented and might have been paid by the Victualling Office. We have received your letters of Jan. 30 and Feb. 28. We approve of the good advance you have made in disposing the Assembly to raise a levy for paying the public debts and the hopes you have of further levies for repairing the forts and building a Governor's House. You have done well to send so full an account of the proceedings relating to Mr. Skene. As we observe therefrom that the place is now supplied by another, so we hope that the Island be not prejudiced by any disputes about that matter. We send you a copy of some observations communicated to us on the great mortality of the Island. Having found that the transmitting of private Acts passed in the General Assemblies of the Plantations, fastened together under the same seal with those that are of a public concern, has sometimes proved an obstruction to the dispatch of the public, we desire you hereafter to take care that all such private Acts be sent each of them single under distinct seals, and that the parties concerned be informed that it is necessary some persons here be instructed to solicit the dispatch thereof, and answer any doubts that may arise thereupon. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, John Locke, Abr. Hill, Geo. Stepney. [*Board of Trade.* Barbados, 45. *pp.* 58–61.]

May 17. Whitehall. **450**. William Popple to William Lowndes. The Agents not being able to get credit for the clothing ordered for the four companies at New York without so much of the pay as they are to expect from the Paymaster-General, the Lords Commissioners of Trade and Plantations desire you to put the Lords Commissioners of the Treasury in mind of this necessary and pressing payment, for which you and the Paymaster-General will be attended by the Agent, this being the chief thing wanting for the sailing of H.M. fregat now bound to those parts, and to mind them, also, that Mr. Champante is under the same difficulty for 300*l.* for providing clothes and other things ordered for a present to the Indians. [*Board of Trade.* New York, 54. *pp.* 226, 227.]

May 17. New Providence. **451**. Dep. Gov. Read Elding to Mr. Secretary Vernon. I enclose a copy of what I sent *per* Esq. Randolph. A vessel has arrived here which was taken by the pirates that are succoured at the Havanna on Cuba. They had three English sail which they had taken but a little before. The master informs me the pirates were accompanied with Spaniards, and threatens that in some short time they design for this Island of Providence. Their possession of this place in time of war would be of great importance. The protection it now lies under is but a small defence. The Lords Proprietors sent me H.M. Instructions to put in execution the Acts of Trade and Navigation, and also a Com-

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mission to Richard Taliafferro to be Chief Judge and Justice of all matters civil and criminal with as much power as any Court of Westminster. By virtue of this he assumes to sit as Chief Judge of the Admiralty Court, and has there acted such monstrous actions that here are several persons that design for England in order for satisfaction. Although a vessel was proved in Court positively to break the Acts of Trade, etc., he cleared her contrary to the verdict of the jury. He picked out such men for the jury as he thought fit for his turn. The foreman was so insolent that he answered the Attorney General, who was reciting the Act of 7 and 8 William III., that such Acts were never in force here nor never should be. Whereupon I wrote to the said assumed Judge a letter, which was no more minded than if it were never written. Soon after a Court of Admiralty was ordered, and when the jurors were present, the Assistants' Commission from me was read, the Attorney General prayed that what he had to offer to the Court, viz^{t}, his libels against three vessels that lay under seizure for breach of Acts of Parliament, might be read in order to proceed as the law directs. The Judge would not permit them, and though I appeared in Court with the Acts and Instructions received from England, he would not suffer them to be read, but broke up the Court upon the adjourning, which he said he would do from time to time, although positively contrary to his oath, and would not take the advice of his assistants, as *per* their enclosed deposition. If there be not especial care taken about the Acts of Navigation, His Majesty will have great wrongs as to his Customs, for the Judge declares that the sloops of this Government may take in enumerated commodities and [*need*] not to be registered without being forfeited, because he believes the Acts of Parliament do not reach so far as to compass them. These vessels trade to all His Majesty's Plantations. If I was to send home all the illegal actions he has acted, it would fill above a quire of paper, but shall put a stop to his disregard to the matter of the Admiralty by the appointment of a Judge for that purpose. If he commits any illegal proceedings as to the Courts which his Commission allows him to sit Judge of, he must be answerable to the persons injured. As soon as the Proprietors have received my letters, they will be very angry with him or them that have preferred him to be a Judge that cannot govern himself. *Signed*, Read Elding. *Endorsed*, R. July 8, 1700. 3 *pp.*
Enclosed,

451. i. Nassau, May 11, 1700. Copy of letter from Gov. Read Elding to Richard Taliafferro. Yesterday came on trial the sloop *Content* for breaking the Acts of Trade. I can prove that you picked the jury. For you to allow of such monstrous acts against His Majesty as the speech of the foreman (*see above*), I will not allow. If you delay His Majesty to have justice any longer, I shall suspend your Commission. You ought not to have private conversations with the accused or to dispose of drink to the jury. 1½ *pp.*

451. ii. Copy of deposition of Thomas Dalton, Christopher

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Hooper and George Graham, commissionated assistants to Judge Taliafferro at the trial of vessels, May 16, 1700. Mr. John Warren, the King's Attorney, and Mr. Isaac Rush desired liberty to lay open their informations against the vessels, but Richard Taliafferro denied them and adjourned the Court, without the advice or consent of his Assistants, refusing to enter their dissent, merely because the money for the charges of the Court was not deposited in Court before the trial. 1 *p.* [*America and West Indies.* Bahamas, 452. *Nos.* 64, 64.i., ii.]

May 17. Whitehall. **452.** Council of Trade and Plantations to Governor Blakiston. Our last letter to you was April 12. We have now received yours dated Feb. 2, with lists of entries inwards and outwards, and desire you to continue to send us the like from time to time. The account you give of your conduct and of the country's satisfaction therewith is well. In relation to pirates we may now inform you that an Act of Parliament having been lately past here for the more effectual suppression of piracy, there will shortly be commissions dispatched in pursuance thereof to all His Majesty's Plantations, which will direct the proceedings of all Governors in those matters, and we hope prove of good use towards the cure of that evil. Having found that the transmitting of private Acts, past in the General Assemblies, fastened together under the same seal with those that are of a public concern, has sometimes proved an obstruction to the dispatch of the public, we desire you to take care that when any such private Acts are past in Maryland, they be sent each of them single, under distinct seals, and that the parties concerned be informed that it is necessary some persons here be instructed to solicit the dispatch thereof, and answer any doubts that may arise thereupon. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen. [*Board of Trade.* Maryland, 9. *pp.* 490, 491.]

May 17. **453.** Journal of Council of Trade and Plantations. Letters to Mr. Grey, Sir Wm. Beeston and Col. Blakiston signed.

Letter from Lord Jersey, May 14th, read. Lieut. Hunt and Mr. Champante attended and said that they could not proceed with their business about providing clothes for the soldiers at New York and presents for the Indians, etc., without money from the Treasury. Letter to mind the Treasury of the necessity of a speedy supply of money ordered. [*Board of Trade.* Journal, 13. *pp.* 48, 49; *and* 97. *No.* 93.]

May 18. Nevis. **454.** Col. Foxe to [? Mr. Blathwayt]. I writ to your Lordship by the last shipping, since which, on my arrival at St. Christopher's, I had information that there was two men put on shore out of a ship suspected to be a pirate. I sent for them and they, confessing that they had been upon the East India seas, pleaded nothing else but that they were come upon His Majesty's proclamation. I sent them aboard of H.M.S. *Margate*, and ordered the Captain to

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pursue the said pirate to the leeward, which he found at an anchor at St. Thomas's. But the chief pirates were fled ashore with their best effects. The Captain could not prevail with the Governor of St. Thomas's to secure the pirates that were gone ashore, only had liberty to carry the ship away, which he could bring no farther than Spanish Town, she being leaky, and ordered his lieutenant with men sufficient to take care of her till further directions. He gave me an account that he had brought along with him all the men he found in the ship. I ordered a Court of Admiralty to be held in this place, and appointed men fit for the appraising of 20 negro slaves, who were valued at 500*l.* They being taken upon the sea, I have given the Lords of the Admiralty an account of it. *Signed*, Edw. Foxe. *Endorsed*, R. 28th June. 2 *pp.* [*Board of Trade.* Leeward Islands. 6. *No.* 63.]

May 18. Nevis. **455.** Col. Foxe to the Council of Trade and Plantations. *Repeats substance of foregoing. Concludes*, at my arrival at Antigua and Mountseratt there was presented to me by the Council and Assembly these inclosed Acts that I have given my consent and affixed the Seal to, which will be presented by the Agents of the several Islands to your Lordships. I am forced to act by the orders of former Generals that I have found here, not having had the honour to have had fresh directions from you. *Signed*, Edw. Foxe. *Endorsed*, Recd. June 28th, Read July 2nd, 1700. 2 *pp. Enclosed*,

455. i. List of Acts, consented to and sealed, March 22, 1699 (1700), passed in Antigua and Montserat. 1 *p.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 64, 64.i.; *and* 46. *pp.* 48–52.]

May 18. Boston. **456.** Minutes of Council of Massachusetts Bay. His Excellency communicated to the Board a letter which came to his hand this afternoon from Lt. William Rayment, commander of the soldiers in the County of York, stating that the inhabitants are hopeful the present danger is over, and that they are unable any longer to subsist the soldiers, being scarce of provisions for themselves. Advised, that His Excellency order the discharge of the soldiers.

10*l.* 3*s.* 8*d.* ordered to be paid John Walley for clothing provided as a present to the Pennicook Sachems.

356*l.* 5*s.* 4*d.* ordered to be paid to Mr. Treasurer for fitting out the *Province* galley, and subsisting the garrisons at Castle Island, Saco and the County of York.

Wages of the garrison on Castle Island, May 26–Nov. 26, 1699, paid. Wages of 16 soldiers lately posted at Woodstock under Lt. Benjamin Sabin, and of 25 soldiers at Haverhill under Capt. Samuel Ayer, paid.

Licence granted to Edward Grey of Boston, ropemaker, to build a timber leanto unto the backside of his dwelling-house situate by the rope-walk at the south end of the town. [*Board of Trade.* New England, 49. *pp.* 291, 292.]

May 20. **457.** Minutes of Council of New York. Proclamation ordered proroguing the Assembly till July 15. [*Board of Trade.* New York, 72. *p.* 318.]

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May 21. Boston. **458**. Minutes of Council of Massachusetts Bay. His Excellency communicated an accompt of the negotiations of Col. Peter Schuÿler and Robert Livingstone, of H.M. Council of New York, and Hendrick Hanse, commissionated by his Lordship to visit the Maquas, Oneydes and Onnondages Nations, who returned to Albany, May 2. They reported the artifices used by the French to debauch the Five Nations and draw them over to their interest, and their false insinuations that His Majesty had withdrawn his protection from them and designed to extirpate them.

Fees for the establishment, May 1699–April 1700, ordered to be paid to Mr. Secretary Addington. [*Board of Trade.* New England, 49. *p.* 293.]

May 22. **459**. Minutes of Council of Virginia. His Excellency acquainted the Council that by his Orders of April 28 for raising the Militia in the Counties on the west shore of Chisapeake Bay on occasion of the pirates being in Lynhaven Bay, he had directed the said orders to be sent by the Commander in Chief of Northumberland County over Potowmeck River to the next officer in the Province of Maryland, whom he did thereby desire to send it by express to the Governor, that he might take such measures for defence as to him should seem proper. These orders the Governor of Maryland never received. Enquiry was ordered to be made as to the cause of this failure.

His Excellency laid several papers before the Council.

Edward Ross, gunner of James City, laid before the Council an account of the powder he had lately delivered on board H.M.S. *Shoreham*. His Excellency said he would write to the Council of Trade to intercede that the powder supplied by the Province to men-of-war be returned in muskett powder made up in half and quarter barrels.

Proclamation to hinder strange seamen from wandering about the Province signed. Recommended to the Commitee for revising the laws that they prepare a bill for preventing the entertaining of strange seamen and for preventing merchant ships sailing hence without clearings.

Six of the smallest guns now at James Town ordered to be carried to Williamsburgh and laid near the place designed for building the Capitol.

Return of the number of open sloops and trading vessels belonging to the Dominion ordered.

May 23. His Excellency laid before the Council the proceedings of the Governor and Council of Maryland, May 4th, showing that they are of opinion that H.M. Advice-boat, *Messenger*, Capt. Cood, may be very serviceable in that Province in detecting foul traders, but, since she is so small, and has only two months' provisions and four small guns, can be no defence to the coast, which seems to be pretty well guarded by the arrival of H.M.S. *Shoreham*, neither is she fit to go out of the coast, being so small, and if she should be only made use of to lie at Point Comfort, the worm biting much more there than in Maryland, she would be mightily endangered. If any material occasion arise, the Council advise

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the Governor of Maryland to give such orders as he think fit, it being considered that her men may perhaps be useful, otherwise that she go up to Turkey Point to avoid the worm. Whereupon, the Governor and Council of this Dominion are sorry the Advice-boat is not sheathed, and is in such want of provisions, but she cannot be supplied here, not being able to furnish H.M.S. *Essex* prize, which hath already been presented home for England. If the Advice-boat can be sent hither this summer she will be very serviceable, having orders to receive six guns here, which will be a very great addition to her force, for, being small, she may go into Smith's Island River and other shoal places about the Capes, where pirates do sometimes haunt, and there is not water enough for the *Shoreham*. However, if she cannot be sufficiently provided and sent hither, but must be laid up at Turkey Point, they recommend it to the consideration of the Governor and Council of Maryland, that they give the necessary directions for her men to be employed in a sloop to cruize in Delaware Bay.

Gawin Corbin, late Collector of Rappahanock River, complained of the exorbitant fees of the Court of Admiralty on the condemnation of the *Providence* of Dublin. But these, being found reasonable, were ordered to be paid.

Measures taken for provisioning and sending the pirate prisoners to England. Instructions for their management and delivery given to Capts. Passenger and Aldred, and to Lt. Col. William Wilson, Commander-in-Chief of the Militia in Elizabeth City County, and to the masters of several merchant ships.

Proclamation, for securing drifts, wrecks, etc., to His Majesty, approved.

Capt. Willis Wilson ordered to sell the remainder of the things saved from the Advice-boat *Swift* and to give His Excellency an account thereof.

10*l*. paid to Joseph Man for attending as evidence at the trials of the pirates and going to England for the same purpose.

Sailing of the *Essex* prize deferred till June 5.

His Excellency announced his intention of going in H.M.S. *Shoreham* 40 or 50 leagues without the Capes in order to see the ships convoyed off the coast.

Benjamin Harrison, Clerk of the Council, resigned his office, and was ordered to prepare to deliver up his books next Council. [*Board of Trade*. Virginia, 53. *pp.* 437–464.]

May 23. 460. Journal of Council of Trade and Plantations. Letter from Lord Jersey, May 13th, read. Copy of proceedings in the case of the *Cole and Bean* galley ordered to be sent to Mr. Attorney and Solicitor General for their opinions (May 24).

Ordered that the Jamaica Acts, lately received from Mr. Attorney General, upon occasion of that relating to Patentees, be returned to him for his opinion.

Resolved to take Mr. Charles Lodwick's memorial into consideration in the first opportunity.

Letter from Mr. Wm. Phelps (May 15) read.

Mr. Wharton, solicitor for Mr. Palmes, of Connecticut, acquainted their Lordships, in confirmation of Mr. Palmes' memorial, May

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2, that their letter of April 24, 1699, had been delivered to the Governor, Mr. Winthrop, July 24, 1699, by James and Samuel Avery, whose affidavit to that purpose he produced; whence he inferred that, this Board having received no answer from the said Governor and Company of Connecticut, was an evident argument of their declining to allow Mr. Palmes's appeal, as they had been directed to do. Letter to the Governor and Company of Connecticut ordered, requiring them to give an account of their proceedings in pursuance of H.M. Order in Council, March 9, $169\frac{8}{9}$.

May 24. Letter from Mr. Thornburgh, May 24, read. Answer agreed to and sent. [*Board of Trade.* Journal, 13. *pp.* 49–53; *and* 97. *Nos.* 94, 95.]

May 23. **461.** Minutes of Council in Assembly of Barbados. Precepts signed for holding the Grand Sessions, June 11th, at the Quakers' Meeting House, Bridge Town. Proclamation ordered for taking away nuisances and cleaning the storehouses and streets there.

Proclamation ordered for a General Fast, June 7, to avert the great sickness now amongst the people.

Charles Buckworth paid 100*l.* for the charge of His Excellency's horses and servants, at his first landing.

Petition of Wm. Heysham, John Hunt and Wm. Roberts, complaining that the sloop *Expedition* was condemned at Martinique, read. Depositions of the master and crew ordered to be sent home to the Council of Trade under the Seal of the Island. [*Board of Trade.* Barbados, 65. *pp.* 511–515.]

May 24. Whitehall. **462.** William Popple to the Attorney and Solicitor General. The Council of Trade and Plantations refer for the opinion of either of you the proceedings of the Admiralty Court of South Carolina in the case of the *Cole and Bean*, desiring to know whether (1) Mr. Edmund Bellinger were rightly qualified by law to make that seizure and prosecute as informer; (2) whether an appeal could lawfully be refused to the master or owners of the said ship from the sentence past in the Court. [*Board of Trade.* Proprieties, 26. *p.* 213.]

May 24. Skinners' Hall. **463.** Wm. Thornburgh to Wm Popple. In answer to yours of the 14th inst., the Lords Proprietors of the Bahama Islands conceive that security given to the King by their Governor here is a performance of what may be required of them, and that security to be given by the Proprietors was intended where the Governors were then residing in America and could not enter into it themselves. And they hope their Lordships will be of that opinion and the rather because it seems most consonant to reason that the person for whose fidelity the bond is given should be bound himself. There hath been since that time farther provision by Act of Parliament for securing the Trade and keeping Governors to their duty, and if the Lords had thought it necessary that Proprietors should have given security for their Governors, it would have bin provided for in those Acts. *Signed,* Wm.

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Thornburgh. *Endorsed*, Recd. Read May 24, 1700. ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 50; *and* 26. *pp.* 213, 214.]

May 24. Whitehall. **464.** Wm. Popple to Wm. Thornburgh. The Council of Trade and Plantations do not deny but the Deputy Governor's own bond is a likely means to keep him within his duty, and they therefore doubt not but the Lords Proprietors of the Bahama Islands will take care thereof on their own account; but the security expected for the King being to be entered into by the Lords Proprietors themselves for their Deputy Governor according to H.M. Order upon the Address of the House of Lords, March 18, 1696, they desire once more to know the ultimate resolution of the Lords Proprietors in that matter, before they lay it before His Majesty, which they are obliged to do the next Council day. [*Board of Trade.* Proprieties, 26. *pp.* 214, 215.]

May 24. Whitehall. **465.** William Popple to Sir Thomas Trevor. The Council of Trade and Plantations desire your opinion in point of law on the Acts past in the General Assembly of Jamaica, June 1699, as of all other Plantation Acts that lie in your hands, with what speed you can. [*Board of Trade.* Jamaica, 57. *pp.* 64, 65.]

May 25. Boston. **466.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I had begun a letter to satisfy you of the faisibility and cheapness of making tar for England and all the King's dominions, and also masts and ship-timber of all sorts. I am confident the King will be furnished with all these for half what they cost him at present, and that the whole Eastland trade for Naval Stores, except flax and hemp, may be turned this way. And how unspeakable an advantage that will be to England in the saving above 100,000*l.* sterling *per annum*, which the marchands here tell me is exported from England in specie by the Eastland marchands, but that, or near that sum, will be gain'd by England in the sale and yearly exportation of its manufactures, when that trade is once turned hither to the Plantations. These things I was actually engaged in, when several cross accidents came upon me; first, two ships newly arrived here from London, and a marchand of this town coming passenger in one of them tells me he called on Mr. Weaver, who told him he had some packets from your Lordships and the rest of the Ministers for me, but that he would send them in a ship bound to New York. If Mr. Weaver had been at his post of Collector, he had not been in the way of doing me a most sensible mischief by his so wrong and faulty judgment. I am thus deprived not only of your Lordships' orders upon my letters of April 13th, 17th, 27th, and May 3rd, 13th, 15th, '99 relating to the affairs of New York, but also upon those relating to this Province, more especially that of August 28th last, which gave an account of the miscarriage of the Bill restraining and punishing privateers and pyrats, so that within three days the Assembly being to meet, I have no orders from the King or your Lordships to produce, in maintenance of my proceeding with the Assembly touching

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that Bill, and the point of nomination of officers, which was contested by the Council. This is a great discouragement. Another is that I am unprovided of all manner of assistance to serve the King and defend the country, hearing nothing of an honest able Judge and Attorney General, which I have so often begged might be sent, and being destitute of money and soldiers. These ill circumstances afflict me the more because of the news I have had from Albany (upon the return of the messengers I sent to the Five Nations), which I believe your Lordships will think is melancholy enough, and that those Indians are in a staggering condition. In Mr. Livingston's letters I more especially recommend to your Lordship's consideration the hellish practice of poisoning our Indians, set on foot without doubt by the French, and the neglect of demolishing the fort of Cadaraeque in Col. Fletcher's time, which I perceive by one of your Representations you were informed was impracticable, as being 400 miles from Albany. I can assure your Lordships 'tis but 260, and all the way a water carriage, except 10 miles, which they call the carrying place, and the Indians would have carried 10 or 12 barrels of powder for 'em and much more, had it been necessary, and an officer with half a dousin souldiers had been sufficient. The Indians would have given 'em what guard they pleased. Mr. Livingston and the other messengers went to the Onnondages' castle in canoes, which is within 60 miles of Cadaracque and a river all the way. By their report you will see plainly that the French have given all this alarm to the Indians, and how faithless they have been in so doing, and how little reliance the King has reason to have on the stability of the present peace. The account Abraham and David Schuyler and Robert Livingston, jun., who are newly come from Canada, give of the French preparations there is, I conceive, well worth your Lordships' observation, and reflection that at the very time they are fortifying against us and keeping up the same number of soldiers still which they did all the war, we let our wooden forts fall to the ground, and reduce our pittance of soldiers and neither mind paying nor recruiting them. Your Lordships' endeavours, which are noble and would be extremely useful to England if complied with, would quickly set [things] on a true bottom. But if you meet with repulses in your measures, I can hope for no fruit from all my labour to serve the King, and this consideration troubles me as much as any, and I believe I shall quickly be tired out. By the Governor of Canada's enquiry whether I was not gone to England, I should believe he did not like me for a neighbour: that and some intelli gence I have had of late affords me some matter for reflection. The message to the Onnondages cost the King in the whole 260*l.* 12*s.* 0½*d.* New York money. I hope the service it will do the King will abundantly compensate the charge. But that the whole charge of keeping the Five Nations in friendship with us should lie upon New York, when 'tis plain that all the Plantations on this Continent are equally interested in the management of their friendship, seems to me a hardship, and I shall never be able to discharge the debts because of the constant

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growing charge those Indians are to us. Therefore, if you please to admonish the respective Governments to bear their proportion of the charge, it would be light and easy under such a contribution. I believe since my coming it has cost little less than 2,000*l.*, the presents to the Indians and the messages to them, and to Canada on their behalf; and as the French apply themselves to court them from us, our caresses must increase, any bare compliments will not do with them. The L.G. of New York's letter will shew you the miserable condition of our forts, and what a jest they are with the French. Some people are not without a jealousy that the Jesuit Brouyas and Major de La Vallière, that were sent to me last year on pretence of a compliment by the Governor of Canada, were rather intended as spies to look into the condition of our forts and garrisons. If so, they could not avoid carrying their Governor a most ridiculous account of us. The arguments about the Indians may be brought to this dilemma :—if the King will not be at the charge of preserving them and defending the country, both the Indians and the country must fall into the hands of the French very speedily, and then the King will lose the most valuable dominions that belong to the Crown. I wish with all my heart the King had consulted your Lordships before he ordered the reduction of the 400 men at New York and not hearkened to any private man's advice. I cannot think that man was faithful to him, be he who he will.

Mr. Partridge, notwithstanding my admonitions, has not only consented to a ship's loading ship-timber and masts at Pescattaway, but is now actually loading a great ship of his own of about 350 ton with principal ship-timber for Portugal. The noise, too, of the profitable voyage he formerly made thither with ship-timber has so encouraged others to do the like, that I am newly informed of one Major Davison, who is said to be loading a ship at Newberry in this province with that sort of timber for Portugal. I believe you will not approve of this trade, but 'tis very unlucky that I am so long without your orders. I doubt not to make it appear that it is to the full as great a prejudice to England to imbezle the timber growing in New Hampshire as it would be to imbezle that which grows in Newforest in England.

If I were worthy to advise the King, the forces in New York should be immediately made up 800 men, to guard the country and work at making tar. They should also be regimented, and extraordinary care taken in the choice of good officers. The Lieut. Col., being a discreet man, would be fit to be made Lt. Gov. of New Hampshire with what salary the King shall please; the major to be Governor of Albany, where the people are strangely unruly and lawless, the companies to be made fifties, the captains to be well chosen and to be of the King's Council both in New York and New Hampshire, to balance those of the Council in both places that are of the country. This can be no great addition of charge to the King, because the officers, I suppose, may be chose out of those that now receive half pay in England. We

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shall stand in need of 650 men to make up the 800, which men may be transported in the King's ships that come to relieve the two that are here and at New York. If those men be sent over, there will be 400 beds wanted, 200 light guns for the Indians, little longer than carabins, 100 barrels of powder with a suitable proportion of lead and shot and flints, and 1,000 hand granados, some match(es). If the King approves of our making tar, we shall need 1,000 falling axes, which I believe cost about 14*d.* a piece, which will be the only charge of that matter. Then if the King intends we shall build forts, there will be a necessity of ten dousin of spades, as many shovels, a dousin of iron crows and a dousin of iron sledges, and of two ton of good iron to mend the tools. If the 800 men be allowed, and divided into 16 companies as I have proposed, I should be glad if one of the captains were a very good fireman and understood gunnery and shooting bombs, and that two of the lieutenants were extraordinary Master Gunners, one for the fort of New York and the other for Albany.

I send you copies of all papers relating to the pyrats and their effects now sent by Rear-Admiral Benbow. The Governors had not taken their examinations but left that labour to me. The pyrats are nine in number, and Robert Bradenham, that was Kidd's surgeon, is the obstinatest and most hardned of 'em all. Brown is married to Col. Markham's daughter. Col. Markham was Governor of Pennsylvania in Mr. Penn's absence. David Evans was tried at the Old Bayly and acquitted, as he pretends. Terlagh Sulivan, 'tis said, was forced on board a pyrat ship. Mr. Penn and others from the Jerseys give him the character of an industrious man and very poor. He has a wife and three small children. I have been much solicited to let Brown, Evans and Sulivan have their liberty, but having no such commission or direction from the King, I would not presume to do such a thing. The original examinations I have sent to my Lord Jersey, as I did the others by the *Advice* frigat. I send the L.G. of New York's inventory of the goods and treasure, and also an inventory I had two marchands in this town to take. The L.G. having discharged himself on oath, there was no need of my exonerating myself on oath. I send copies of my letters to the Lords of the Treasury, Admiralty and Commissioners of the Customs. Rear Admiral Benbow will give you an account what a vast prejudice the destruction of the woods in New Hampshire does the King and Kingdom. He saw a quantity of noble timber for ships brought to Pescattaway by Mr. Partridge to be sent to Portugal in his great ship. *Signed*, Bellomont. *P.S.*—The

May 30. Session of the General Assembly opened yesterday. We have as yet made no further progress than that this day the House of Representatives sent me a message desiring I would have the Castle Island surveyed in order to the building a new fort there. I send the discourse I made to the Assembly. There is a Bill brought before me and the Council to prevent escapes of pirates, etc., pursuant to H.M. Order of Nov. 10 last. The L.G. and Council of New York, understanding that several French were come from Canada to Albany to sell French goods and carry away

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horses and mares, issued a proclamation strictly forbidding the selling or suffering any horses and mares to be carried out of the country, but in defiance of that there were six of the best stone horses and about 50 of the best mares in the whole country sold to those French, and suffered to be carried by them to Canada. It was about Christmas, and they travelled over the lake called Corlar's Lake on the ice. I can never bring the people of that province to obey laws, if the King will still grudge the allowing us an honest able Judge and Attorney General. This is but one of a thousand inconveniences we suffer by the want of two such officers. I find no inventory of what pirates' goods were seized and sent by Col. Blakiston and Col. Quary, unless they be made up with the said treasure, which I have neither seen nor handled. [*See* April 15, 16.] *Endorsed*, Reed. July 2, Read July 4, 1700. *Holograph*. 7 *pp*. *Enclosed*,

466. i. Abstract of preceding. 2½ *pp*.

466. ii. Robert Livingston to Lord Bellomont. Albany, May 3, 1700. I have been at the Onnondages' Castle. The Indians are much dejected and in a staggering condition, though they are so proud and will not own it, they are daily made so uneasy by the French that I despair of a good issue, if something be not speedily done to retrieve them. Presents will not do alone. Something must be done to ease their minds from that fear they have of the French. *Copy*. 1½ *pp*. *Endorsed*, Reed. July 2, Read July 4, 1700.

466. iii. Observations of Robt. Livingston, Secretary for the Indian Affairs, in his voyage to the Onnondage in April, 1700. The Maqua's Nation are grown weak by the late war, but more since the peace by the French daily drawing them from us to Canada, so that near two-thirds of the Nation are now actually in Canada, who are kindly received, clothed from head to foot, secured in a fort guarded with soldiers, and have priests to attend them. The causes of our Indians' desertion are (1) Fear, seeing the French so formidable as to destroy their castles and we not able to protect them. (2) Our neglect of sending ministers among them. The Maquas ought to retire to a tract of land nearer to us, have a stockadoed fort to protect them, and a minister to instruct them. And since they are a proud people and not easily persuaded to leave their own land and plant upon others, it would not be amiss if the King purchased the land of the owners, and then granted it to the Nation in general, that so they might not be upbraided. It would then be no difficult matter in time to persuade the Oneydes and Onnondages to move nearer us upon our river, somewhat above the Maqua's, where there is a fertile soil, and out of the road to be attacked by the French with canoes. In the meantime, the Onnondages, who must leave their Castle speedily, the firewood that was near being

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consumed, should be induced to come 12 miles nearer Oneyde. The Onnondages generally are very inclinable to have a minister, who might live very well, as also at the Oneydes, Cayouges and Sinnakes, having two or three servants to plant and hunt. The Indians will give them provisions gratis. But it will be convenient for them to have some toys to retaliate the same, tho' the Jesuits at Canada are so cunning to have their share of whatever an Indian hunts, which is laid before the image of the Virgin Mary, and then they have remission of their sins and her prayers for good luck when they go a hunting next time. 'Tis strange to think what authority these priests have over their Indian proselytes; they carry a chain in their pocket and correct the Indians upon the commission of any fault, which they bear very patiently. If ministers were once settled among them it would not only be a pious work, but would keep those whom we have firm to us, draw the rest home that are gone to Canada and prevent that diabolical practice which they have got of late in poisoning one another, by which means most of those that were true to the English interest are dispatched out of the way.

It is morally impossible to secure the Five Nations to the English interest any longer without building forts and securing the passes that lead to their Castles. But withal I think it not proper to build a fort at Onnondage, because of the difficulty of carrying provisions there, and because there will be no retreat by water, and because it can only secure that Castle and then the other Nations will expect the same. A garrison to secure the Five Nations (without which they are inevitably lost) should be on the Onnondage River about eight or ten miles from the Oneyde Lake, at a point where the river that goes to Onnondage, Cayauge and Sinnekes, comes into the Onnondage River. The point being fortified secures all the Nations from the French at once. Canoes could go to the very fort walls, with only two carrying places, from Albany. This River of Onnondage comes from the Oneyde Lake and runs into Cadaracqui Lake, and hath plenty of salmon etc., and salt-springs for salt, and a good fertile soil for corn. The French must come up this river from Cadaracqui, and the river below where this fort is to be built is very rapid (*so*) that all canoes must be dragged up with great labour. This post will be the key of all our Indians, and they will resort thither for its defence by land and water.

We shall never be able to rancounter the French except we have a nursery of Bush-Lopers as well as they. These could be obtained by procuring a peace between the Five Nations and the Dowaganhaas,

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Twichtwichs and other far Nations of Indians, whom the Governor of Canada stirs up to destroy them, not only because the Five Nations have been mortal enemies to the French, but because they hinder his trade with the said far Nations, trucking with them themselves and bringing the beavers hither. The best way to effect this is to build a fort at Wawyachtenok, called by the French de Troett, the most pleasant and plentiful inland place in America by all relation; where there is arable land for thousands, the only place of bever-hunting, for which our Indians have fought so long and at last forced the natives to fly. Here you have millions of elks, bears, deer, swans, geese, etc. The fort, with a garrison of 60 men, to be between Sweege Lake and Ottowawa Lake. Hither all the far Nations will come and trade, to wit, the Twichtwichs, Kichtages, Wawyachtenoks and Showonocs. This would not only raise a vast trade, but would raise a great many bushlopers. It's true the French trade and have small huts which they call forts at some of these Indian habitations, where they have priests, but how they came to be the Proprietors of them no man can tell. The Indians would rather trade with our people than the French, if this way were once opened. The fort at the Onnondage River should be garrisoned with 100 youths, who daily being employed with canoes to carry provisions will at last be expert, and being relieved by the garrison of York and Albany, all our soldiers will be bushlopers in time. Our men should have passes to go a-hunting and trading towards Corlaer's Lake and the Eastward, as well as the French, who trade all the Beaver and Peltry from our River Indians and decoy them to Canada, lying on every creek upon the lake with brandy and other goods, by which means they spoil us of all that trade. But it would not be advisable that they be permitted to go and trade with the Five Nations. There they lead a lazy life and sell their goods dearer than the French do at Cadaracqui. The King's Arms should be sent to all the Nations and put up on each Castle, and if your Lordship thought fit that some of their chief Sachems had a badge or the King's Arms cut in silver to hang about their necks upon solemn days, I presume it would be acceptable. There should be a magazin of birch canoes, batoes, cloathing, provisions and ammunition on all occasions, and a small fort at each carrying place to secure the canoes.

The greatest oversight that ever could have been committed, was the neglect of demolishing Cadaracqui when the French deserted it in the late war; which could easily be done, for it's far more easy to go from Albany with canoes to Cadaracqui than to go from Mont

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Royal to Cadaracqui, where the French army have gone up so often, that river being one of the worst for falls, rapids and shallows in the world. The fort of Cadaracqui is built where our Indians must pass, when they come from hunting; there they are nab'd, the best they have must go, being enticed by strong drink and other necessaries. The charge of all that I propose would not be so great as that the French are at, and yet they find a benefit by it. There would have to be a greater care had to supply these forts than there has been for the garrisons of Albany and York these three years past, else it would be better never to attempt it. The Indians at Onnondage seem to be surprised that the French have fortified Mont Royal and Quebeck so well since the Peace, and that our fortifications are so much out of repair. I do find these Indians the same I always took them to be, a subtle, designing people, and that there is nothing has the ascendant over them but fear and interest. The French they fear, having felt the smart of their blows often. Us they love because of the good that [*they*] daily receive from us. They own there is a God and a Devil. God is a good man, they say, and lives above; Him they love because He never does them any harm; the Devil they fear and are forced to bribe by offerings. I take it that they compare the French to the latter and the English to the former.

It would conduce much if there were a fort at Skachkoke and a minister seated there, which would settle those Indians and draw many of the Eastern Indians to them, who are no friends to the English; by which means an eye may be had over them. Some people should be encouraged to go and plow their land, they allowing something for it. For these Indians, how contemptible soever they seem to be, have done signal services for this Government in the late war, which makes me think the French, who are a vigilant, subtle people, will push hard to gain them to their side. *Copy.* 9 *pp. Same endorsement.*

466. iv. Peter Schuÿler, Robt. Livingston and Hend. Hansen to Lord Bellomont. Albany, May 3, 1700. We arrived last night from Onnondage. We understand from those Indians that the French use all indirect means to vex and terrify them, to bring them over to their side, and have been more active since the Peace than ever. The only way to secure them is to build a fort, and establish ministers among them. Our going thither has much satisfied them, and we hope we have got some of those that were Frenchified to our side. We are confident they are wholly ignorant of any ill design the Eastern Indians have upon the English. *Copy.* 1 *p. Same endorsement.*

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466. v. Same to same. Albany, May 11, 1700. Weather hindering sloops from sailing, we are sending an express by land with the account of our negotiations with the Indians, etc. The French keep the Five Nations in a continual fear and the far Nations are destroying them. We hope your Lordship's arrival will dissipate these clouds. *Copy.* 1 *p. Same endorsement.*

466. vi. Copy of an account of the negotiations of the three messengers, Col. P. Schuÿler, Robt. Livingston and Hend. Hanse, with the Maquas, Oneydes and Onnondages, Ap. 9–May 2, 1700. On April 14 we found the two principal Sachems of the Maquas, Onnucheranorum and Sinnonquirese, who told us that when the French had any ill design they never used to acquaint them with it, but the other four Nations, the Oneydes, Onnondages, Cayouges and Sinnekes, for they look upon the Mohawks or Maquas as inseparable from Corlaer (that is, Lord Bellomont). They had heard that the French had insinuated to the other Nations that the Governor of Canada had overcome Lord Bellomont in the business of the bounds of the two Governments, as well as subdued them with the sword, for that their land belonged to the French, and the Governor of Canada would speedily make five forts and garrison them, and put soldiers in all convenient places and passes between Canada and the said forts, as testimony that he was master of their land. The French of Canada say that the English design to destroy the Five Nations by depriving them of arms and ammunition, and the French Governor says that Corlaer (Bellomont) should say, "If the Five Nations had bows and arrows, it was enough for them." The Agents replied that Lord Bellomont was not a stranger to the false reports of the French. The Maqua's Sachems said:—We believe none of the French lies, and regard not their flatteries and brags, tho' the French Governor upbraids us, saying, "If your Governor loved you as I do, he would cloathe you as I do." The Agents replied that Lord Bellomont had given a greater present to the Five Nations, when he saw them last at Albany than ever any Governor of Canada had done. He would meet them on Aug. 10 and give them cloathes, guns and ammunition. He is in daily expectation of orders to build a fort at the Onnondages' Castle, and to settle some Protestant ministers among them. The French design to build five forts would not be suffered. They presented them with a belt of Wampum in Corlaer's name. The Sachems said they would be glad to see some ministers come to instruct them, and would both turn Christians themselves and would give a large tract of land for a minister's maintenance, and admired that the English cannot as well send a minister to them as the French do so many Jesuits.

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April 25. At the fishing-place of Onnondage called Kachnawaacharege, Aqueendera welcomed the three Agents, and informed them that a Frenchman, Diondori, whom they had held prisoner during the war and who was now an officer at Cadaracqui, had told Dekanissore that Corlaer would poison and destroy the Five Nations; the King of England was determined to make away with them, and one of the means would be the prohibiting the sale of powder to them. He told Dekanissore not to tell Aqueendera. He told it to a friend of his called Kenaachkoone, who told Aqueendera, who, with the other Sachems, disapproved of what Dekanissore had done. Aqueendera believed that Dekanissore and Onnagogga gave credit to this story. Last year the two belts of Wampum were sent by two Sinneke Sachems to the Governor of Canada, suing for peace on behalf of the Cayouges and Sinnekes, which they, the Onnondages, would have hindered had they known it. He returned two belts of Wampum to the Cayouges and Sinnekes, but the Cayouges declare they know nothing of this message, and it was found to be only two Sinneke Sachems, without the privity of the rest, who had sent the belts to Canada. The Frenchman, Diondori, told one of the Onnondages that the Governor of New York would poison the Five Nations at Albany and would withhold guns and powder from them. The cloathing they would be given at Albany would be rotten. Corlaer would fall upon them with an army in the winter, as directed by the King of England. He therefore advised them to come and live on the other side of Cadaracqui Lake. The Jesuits of Canada threaten hard to come and live in our Castles, in each Castle a Jesuit. Father Millett at Oneyde, Father Bruyas at Onnondage, and others among the Cayouges and Sinnekes, which causes us continual disturbance. When Father Bruyas was sent from Canada last summer to my Lord Bellomont, some of our people happened to be at Canada, to whom he said, "I am going to the Governor of New York to see why he hinders us to come among the Five Nations. If he hinders us, we will fight him, for he is but a child in understanding; he knows nothing, he is but lately come into the country, and I have been long among you. I will discourse him why he always sends for you to speak with you at Albany; why the general place of treaty is not to be kept at Onnondage according to the ancient custom." The Agents replied that it was a shame for such as pretend to be instructers of heathens to give so bad an example. To shew what ill men these Jesuits are, Father Bruyas never durst so much as mention any such thing to Lord Bellomont, but spoke so much in his praise that tongue could not sufficiently express it.

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When we approached the Castle of Onnondage, the Sachems welcomed us with a present of Wampum, and then, according to their custom, hung over a great kettle of hasty pudding made of parched Indian meal, and sent it us. April 27. We examined Kanaachkoone, who confirmed the former account of the French suggestions. We announced to the assembled Sachems of Onnondage the Earl of Bellomont's message, that the French reports were false, and that he intended to meet the chief Sachems of all the Five Nations at Albany on Aug. 10, and give them presents. We added that their great brother Corlaer would take it amiss that they had not acquainted him with all these stories of the French ; that their keeping correspondence with the French by trading at Cadaracqui was the source of all their uneasiness ; and that we had great cause to suspect the French had a hand in seducing them to poison one another. We advised them to make their dwellings compact together and not straggling. The Sachems replied by Aradgi, their Speaker, thanking Corlaer and promising to attend at Albany. 15 *pp. Endorsed*, Recd. July 2, Read July 10, 1700.

466. vii. Examination of Abraham and David Schuÿler and Robt. Livingston, jun., taken by Col. Schuÿler and Robt. Livingston. Albany, May 9, 1700. Lately returned from Canada, they reported that the Governor was very earnest to know if Lord Bellomont was gone for England. The soldiers were hard at work getting the fortifications about Mont Royal finished. All the small forts between Mont Royal and Quebeck were being repaired with speed. No Christian or Indian was suffered to go into any of their forts. Great preparations were being made repairing their batoes and canoes. They expect the Five Nations to come and make peace with them, else will fight them. All the bushlopers are sent for up from Ottowawa. There are great animosities between the Governor and people there. The merchants design to break the Company, profering 50,000 *livres* more than the Company for the Customs, and petition their King for a free trade with this Government. There is a great Indian trade at Canada, many of the Pennikook Indians they see there, and on the lake, going thither with their peltry. The French of all sorts were very inquisitive about news of the limits and bounds of the Governments, since it is discoursed here that King William doth insist to have the south side of Mont Royal River. They were very busy in getting large masts for their King; an Englishman is their engineer. *Copy.* 1½ *pp. Same endorsement.*

466. viii. Account of disbursements by Robt. Livingston on his voyage to Onnondage. *Copy.* 3 *pp. Same endorsement.*

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466. ix. Account of disbursements by Hend. Hansen on his voyage to Onnondage. *Copy.* ¾ *p. Same endorsement.*

466. x. L.G. of New York to Governor the Earl of Bellomont. March 25, 1700. Col. Schuÿler, Albany, March 15, says all our Indians are well and out a-hunting, two or three families of the Maquass's excepted, who are, as he understands, settled in Canada. He thinks the rumour of the design by our Indians was spread by some disaffected person, or their own Indians. The French are refortifying Montreal, and make their jest of our simple fortifications of Albany. Capt. Weems' letter to me, March 14, says the fortifications there are all gone to ruin and decay; the great guns are falling through the bastions, and many of the stockadoes so rotten that a man may pass in and out betwixt them. The poor soldiers are reduced to being near naked, without shirt, breeches, shoe or stocking. I hope in God by the next post your Lordship will have some news of money for us, and that, should you receive an order for the 2,000*l.*, you will send it me, for I am in miserable want. *Copy.* 1¼ *pp. Same endorsement.*

466. xi. Examination of Nicholas Churchill, of Lower Lichet, near Pool, in Dorsetshire, who sailed with Capt. Kidd on the *Adventure* galley from the Island of Johanna to the Island of St. Maries, and thence took passage on the *Nassau*, Giles Shelley, for America. Boston, May 28. 1¾ *pp.*

Examination of James How, who sailed from New York with Capt. Kidd, Sept., 1696. They took without fight one of the French Company's ships in the India Seas, and another commanded by Capt. Wright, an Englishman, the *Rambo Merchant*, carried them to Madagascar, and divided their lading. Examinant took passage for New York in the *Nassau*. There was lying at St. Maries a great ship called the *Resolution*, most of her company having forsaken her. Robert Culliver, who was one of these, came on board the *Adventure* galley and was very intimate with Kidd. Examinant shipped upon the *Nassau* 200 pieces of Christian gold for one Dickenson of Wethersfield, Connecticut Colony, which was left to him by his son Obediah Dickenson, who died at Madagascar.

Examination of Robert Bradenham, who came chyrurgeon of the *Adventure* galley from England to New York, and thence on her whole voyage. The money seized with him he got by his practice.

Examination of James Brown, who sailed from Rhode Island, 1695, on the *Susanna*, Thomas Wake, Commander, as a privateer with a Commission from the Governor or Deputy Governor. The company were all upon shares. In the seas of India they met with the *Phancy*, Henry Every, Commander, who plundered

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the *Susanna*. Examinant being weary of being abroad in those parts, with one Capt. Smithsend and Thomas Hollingworth, embarked on the *Phancy*, which was then designed for Providence, where he left her and took passage for Connecticut. He saw no action and got no plunder on either ship, except some money he won at play off Every's crew.

Examination of John Eldridge, of Lynn in Norfolk, who joined Capt. Hoar's privateer at Jamaica, sailing to the Island of St. Maryes where Hoar and most of his company died. Thence they went to Port Dolphin, Madagascar, where the ship stranded. Examinant nearly two years later took passage in the *Nassau*. The money and goods seized with him he procured by trade with the people of Madagascar. They only took one French ship in their passage betwixt Jamaica and Road Island.

Examination of Robert Hickman of Bromham, Wilts., who sailed, 1694, from Rhoad Island on the *Pearl*, Edward Barber, master. All the crew save four died and the ship stranded at St. Augustin, Madagascar. After 12 months, examinant and the three survivors purchased 25 slaves and transported themselves in a canoe to Surrash at the northermost end of Madagascar, inhabited only by natives. After 12 more months they went in a canoe to St. Marys, where all his companions died except one. Twelve months later he took passage in the *Nassau*. He voluntarily rendered himself to Governor Bass, who took security of him in 800*l.*; but after Col. Hamilton's arrival in the Government, he ordered examinant to be imprisoned.

Examination of Turlagh Sulivan, of Pensylvania, who sailed in 1694 on the *Dolphin*, Richard Want, Commander, who declared he had a Commission from Gov. Jones of Providence against the French. The ship sprang a leak and Capt. Every took them on board and landed them at Providence. Every took no prize after he came on board, but some of the crew gave him 200*l.* as a reward for services he did for them.

Examination of David Evans of Lampeter, Wales, who about 2½ years since sailed from Bristol for Maryland, and soon after his arrival at Philadelphia was committed to prison as one of Every's crew. In July, 1697, he was tried and acquitted at the Old Baily for being one of Every's crew.

Examination of Derby Mullings, Planter, born near Londonderry, and for many years a servant at Jamaica. He joined Capt. Kidd at New York upon shares, he having, as he said, a commission to suppress pirates. He fell sick at Madagascar, and Kidd allowed him to remain there. No prize was taken in the five months he

1700.

was with Kidd. He earned 200 pieces of eight by his service done for the negroes at Madagascar, and after two years took a passage on the *Nassau* for New York. *Copy.* 13 *pp. Endorsed*, Recd. July 2, 1700.

466. xii. Minute of Council of New York, May 15, 1700. The L.G. made oath that all the pirates' treasure he had received was now in the Council Room, except 69*l.* 10*s.* 5½*d.* paid to Mr. Sharpas for expenses. ½ *p. Same endorsement.*

466. xiii. Capt. Sammon Morrice's bill of lading for the pirates' goods shipped at New York upon H.M.S. *Newport*. May 15, 1700. *Copy.* ½ *p. Same endorsement.*

466. xiv. Inventory of pirates' goods delivered by Thomas Clarke to the L.G. of New York. April 19, 1700. *Copy.* 1 *p. Same endorsement.*

466. xv. Col. Markham's account of the treasure he seized belonging to Robert Bradenham. Sworn, Philadelphia, April 8, 1700. *Copy.* 2 *pp. Same endorsement.*

466. xvi. Account of expenses in seizing and transporting pirates in Pennsylvania, the Jerseys, etc. 69*l.* 10*s.* 5½*d. Signed*, John Nanfan. *Copy.* 1 *p. Same endorsement.*

466. xvii. Inventory of pirates' treasure delivered to Rear Admiral Benbow. Taken by Jer. Dummers and Andr. Belcher. Boston, May 30, 1700. Receipt for the same signed by Capt. Wm. Scaley, Commander of H.M.S. *Glocester*, now lying in Nantasket Road, Massachusetts Bay. Boston, June 1, 1700. *Copy.* 3½ *pp. Same endorsement.*

466. xviii. Account of the incident charges for the pirates coming from New York by H.M.S. *Newport* and put aboard H.M.S. *Glocester.* 12*l.* 6*s.* Boston, June 1, 1700. *Copy.* ¾ *p. Same endorsement.*

466. xix. Affidavit of William Markham, late L.G. of Pensylvania, that Peter Clauson and John Matthias, two of Every's crew, declared on their examination before him that James Brown was only a passenger on Every's ship. May 17, 1700. *Copy.* ½ *p. Same endorsement.*

466. xx. Gov. the Earl of Bellomont to the Lords of the Treasury. Boston, May 31, 1700. I sent you all the papers and evidences that related to Capt. Kidd's effects, etc., in the *Advice* frigate. I now send you inventories of pirates' treasure received from the Governors of Maryland and Pennsylvania, Col. Quary and the L.G. of New York. The nine pirates I desired Rear Admirall Benbow to deliver to my Lord Jersey, and their effects to Mr. Secretary Vernon. *Signed*, Bellomont. *Endorsed*, Recd. July 2, Read July 10, 1700. *Copy.* 1 *p.*

466. xxi. Lord Bellomont to the Lords of the Admiralty. Boston, May 28, 1700. I perceive that Capt. Morris'

1700.

fault in not bringing the pirates from New York proceeded more from the L.G.'s omission to give him written orders than from his own refusal. I find his behaviour all the while he was at New York was very sober and discreet, and I humbly desire you will continue him in your favour. If your Lordships will please to appoint a fifth-rate frigate for New York instead of a sixth-rate, I humbly request that Capt. Lechmere, Commander of the *Lynn*, may be sent to relieve Capt. Morris, when you order another ship hither. Capt. Lechmere is my near neighbour in Worcestershire and acquaintance, and therefore will be much more grateful to me than a stranger. He is now here with Rear-Admirall Benbow, who gives him a good character. The pirate ship that robbed near the Capes of Virginia lately, was gone before Capt. Crow with the *Arundell* could come up with her. Capt. Crow is not yet returned from cruising. *Signed*, Bellomont. *Same endorsement. Copy.* 1 *p.*

466. xxii. Memorandum of copy of Lord Bellomont's speech to the Assembly of Massachusetts Bay, May 29, 1700. ¼ *p. Same endorsement.*

466. xxiii. Lord Bellomont to the Commissioners of Customs. Boston, May 28, 1700. I have of late been very much troubled by Mr. Hungerford's and Mr. Parmiter's criminating one another in their letters to me. They revile each other in scurrilous terms, and I doubt not with too much truth. There has been a trial between Mr. Hungerford and Mr. Lott, High Sheriff of King's County, New York, about the preference to an information against a parcel of goods: a verdict was given the last Superior Court at New York in favour of Lott, which Hungerford in contempt thereof and of an order of the Court has refused to submit to. In short, his behaviour has been so very scandalous in the share he had in the Collector's place with Col. Cortland, that I have been forced to turn him out, tho' my near relation. The clamour was so great at my keeping him in, that I am forced at last to yield to the importunity of my L.G. and Chief Justice and several others. As for Parmiter, whom I made Naval Officer because I had nobody else to put into that post, and because Mr. Clement assured me he was a very honest, religious man, I find he is a most corrupt, ill man, and was tried for his life at Bristol for a most notorious forgery a few years ago, with one Lynch, who was hanged. I would turn him out from the Naval Officer's place, but that I have nobody to dispose of it to. I wish you would please to send over a discreet, honest man to be Comptroller of the Customs at New York, and I would make him Naval Officer, as I formerly proposed to you. Mr. Eastwick, the Naval

1700.

Officer of New Hampshire, being dead, I have appointed Mr. Robert Armstrong to succeed him, who is well recommended to me from England, the persons bound for him are substantial merchants of this place. I wish you would command Mr. Brenton and Mr. Weaver, Collectors of this Province and New York, to their respective posts; their absence so long is insufferable. Mr. Brenton was formerly absent three years together, as I am told, and this time almost two years; the trade here and at New York is carried on at a very loose rate, and therefore the Collectors ought not to stir from their duty. *Signed*, Bellomont. *Same endorsement. Copy.* 1¾ *pp.*

466. xxiv. Copy of the case of Engelbert Lott, High Sheriff of King's County, and Ducie Hungerford. The High Sheriff, under the L.G.'s warrant, did on June 13, 1699, seize some pirates' goods, landed by Giles Shelley, at New Utreyt within his bailiwick. Hungerford thereupon forcibly seized these goods in the Sheriff's house and carried them away to H.M. Custom House at New York. The Court decided that the High Sheriff had the right of information as the first informer and seizer of the goods. Hungerford carried the case before the Supreme Court, and in the meantime, contrary to an Order of Council, takes some elephants' teeth, part of the goods so seized, out of the Custom House and sells them to Messrs Wenham and Delancey, supposed owners of the goods. 5 *pp.*

466. xxv. Copy of Bond in 1,000*l.* for Robert Armstrong, if appointed Naval Officer of New Hampshire. *Signed*, Robert Armstrong, Fra. Foxcroft, Nicholas Roberts, merchants of Boston. April 15, 1700. 1 *p.*

466. xxvi. Extract of letter from Ducie Hungerford to Lord Bellomont. March 18, '99. I can prove very plain that Mr. Parmyter has been bribed. He was condemned to be hung for forgery at Bristol. *Copy.* 1 *p.*

466. xxvii. Deposition of Richard ffeilding, mariner, of Bristol, and Francis Pope, late of Bristol, now of Rhode Island, merchant. Boston, April 29, 1700. Paroculus Parmiter, attorney at law at Bristol, was condemned to death at Bristol for forging documents and thereby cheating a widow woman out of 300*l.* *Copy.* 1¾ *pp.*

466. xxviii. Extract of a letter from Mr. Parmiter to Lord Bellomont. Feb. 20, 1699. Mr. Hungerford privately married Mrs. Bond by a Justice of Peace upon Long Island without licence; Lawrence, the great concealer of pirates' goods on that island, being the father that gave her. From this Lawrence he seized about 40*l.* worth of pirates' goods, and agreed with James Emot and Lawrence to share it, but before the division privately took away one-third thereof, etc. There

1700.

have been this summer above 37 vessells of good burthen entered and cleared in this port more than in the last, but I much question whether your Lordship will find so considerable advance in the Customs. *Copy.* 1¼ *pp.*

466. xxix. Mr. Parmiter's account of the goods embezzled by Mr. Hungerford after seizing the same on Long Island, July 1699, and of other goods stolen by him out of the Custom House, Oct. 10, 1699; also of goods he took out of the Custom House when he broke into it at the back window, climbing up a pole about one o'clock at night. *Copy.* 1 *p.*

466. xxx. Memorandum of Minutes of Council of New York, Jan. 4–March 23, $\frac{1699}{1700}$. ½ *p.*

466. xxxi. Deposition of William Markham that Peter Clauson and John Matthias, two of Every's crew, swore that James Brown came on board Every's ship only for a passage, and that after his coming they did not fight any ship. May 17, 1700. *Copy.* ½ *p.* [*Board of Trade.* New York, 10. *Nos.* 1., 1.i.–xxx.; *and* (*without enclosures*), 54. *pp.* 262–279; *and* (*abstract only, with comments*), 45. *pp.* 80–82; *and* (xxxi. *only*), Proprieties, 5. *No.* 67.; *and* (*Copy of Bellomont's Letter much rotten; Memoranda of Nos.* xi.–xxi.; *duplicates of Nos.* xvi., xvii., xviii.; *four printed copies of* xxii. 2 *pp. each.*), *Board of Trade.* New England, 10. *Nos.* 41, 41.i.–xix; *and* 38. *pp.* 82–84; *and* (*duplicates of* ii.–x.), *America and West Indies.* New York, 580. *Nos.* 1–9; *and* (*duplicates of* ii–x. *and* xii.–xiv.), *Nos.* 10–21.]

May 25. **467.** Solicitor General to the Council of Trade and Plantations. I have perused the laws passed in a General Assembly of Nevis, March 25, 1699, all which are agreeable to law and justice, and do not contain anything prejudicial to H.M. Royal Prerogative. But I humbly crave leave to represent that the form of the condition of the bond to be entered into by masters of vessels in pursuance to the Act to oblige masters to give securities, etc., is not inserted, although mentioned in the body of the Act, which I conceive makes it very uncertain. If His Majesty be pleased to confirm the Acts of March 25, I see no objection against the confirmation of the Act of August 8, 1699, to revive and continue divers Acts of the Island. *Signed,* Jo. Hawles. *Endorsed,* Recd. 28th May, Read 11th Sept., 1700. 1½ *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 65; *and* 46. *pp.* 80, 81.]

May 25. **468.** Solicitor General to the Council of Trade and Plantations. I have perused the laws passed in a General Assembly of Nevis, Feb. 2, $169\frac{8}{9}$. and conceive they are agreeable to law and justice and do not contain anything prejudicial to H.M. Royal Prerogative. But by the Act, Jan. 19, $169\frac{8}{9}$, to confirm all estates

1700.

in Nevis upon the owners and possessors, I think there ought to have been time allowed to those that were not in the Island at the time it was passed, or who were *non compos mentis*, *fem(m)e (s) co(u)vert(e)s* or infants after their disability removed, to put in their claims as is usual in Acts of this nature here in England. *Signed*, Jo. Hawles. *Endorsed*, Recd. 28th May, Read 10th Sept., 1700. 1 *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 66; *and* 46. *pp.* 78, 79.]

May 25. **469.** Solicitor General to the Council of Trade and Plantations. I conceive the Act of Antigua, Jan. 28, 1699, is agreeable to law and justice and not prejudicial to H.M. Royal Prerogative. *Signed*, Jo. Hawles. *Endorsed*, Recd. May 28th, Read Sept. 6th, 1700. ¾ *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 67; *and* 46. *p.* 76.]

May 25. **470.** Solicitor General to the Council of Trade and Plantations. I have perused the Acts for regulating the Register's office, raising 1,100,000*lb.* of sugar, regulating the Militia, and appointing an Agent, *etc.*, passed in a General Assembly of Antigua, 1698, and conceive that they are agreeable to law and justice, and do not contain anything prejudicial to H.M. Royal Prerogative. As to the Act for promoting the importation of servants, Nov. 3, 1698, Mr. Attorney General and myself reported upon a similar Act from Mountserratt, 1696, that we were doubtful how far it might encourage kidnapping or stealing white servants, but I am informed by Mr. Cary, who then appeared as Agent for Mountserratt, and now appears as Agent for Antegua, that that objection did not weigh anything with your Lordships. As to the Act for restraining and punishing privateers and pirates, Nov. 3, 1698, I humbly certify that by an Act made in England last session, all piracies, *etc.*, committed where the Admiral hath jurisdiction are to be tried at sea or upon the land in any of H.M. Islands, Plantations, Colonies, etc., appointed for that purpose by Commission under the Great Seal of England or Seal of the Admiralty directed to such Commissioners as His Majesty shall think fit, and the Act now proposed gives power to the Governor or Commander in Chief of that Island by a Commission under the Great Seal of that Island to appoint Commissioners to try all such piracies, *etc.*, in that Island, which is inconsistent with the said Act of Parliament. Therefore I think it ought not to be confirmed. As to the Act for establishing Courts, *etc.*, Dec. 22, 1698, the design in the main I think is very reasonable. But whether it be fit to vest a power in the Governor for constituting the Chief Justices for the Courts mentioned in the said Act, is humbly submitted to your Lordships, though Mr. Cary affirms the Governors of that Island have always appointed both Chief Justices and Justices of all Courts there. *Signed*, Jo. Hawles. *Endorsed*, Recd. May 28th, Read Sept. 3rd, 1700. 2¼ *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 69; *and* 46. *pp.* 72–75.]

1700.

May 25. **471.** Solicitor General to the Council of Trade and Plantations. I have perused the Acts of Antego, passed in the General Assemblies there, 1697. The Acts regulating fees, ascertaining bounds, raising an impost on imported liquors, for the better Government of Slaves and naturalising David Sweigle and Martin Fret, I conceive to be agreeable to law and justice and do not contain anything prejudicial to H.M. Royal Prerogative. But the Act, Jan. 29, 1697, appointing the number of Assembly, and the manner of their election, in effect appointing an Assembly to be held once a year and the Assembly having in some sort the legislative power, I submit whether it be fit to take the power from the Governor to call the Assembly seldomer than once a year if he thinks fit. The Acts for establishing Courts and annexing negroes to the freehold, etc., Dec. 17, 1697, are by another Act, of Dec. 22, 1698, repealed, and therefore not proper to be confirmed by His Majesty. I have likewise considered the Act, Nov. 25, 1697, enabling Cornelius Hallaran, and Nathaniel Crump to sell land belonging to John Brunkhurst, decd., for the payment of his debts, and conceive that it is reasonable and am informed that it was passed by consent of the parties. *Signed*, Jo. Hawles. *Endorsed*, Recd. 28th May, Read 29th Aug., 1700. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 68; *and* 46. *pp.* 69–72.]

May 25. **472.** Solicitor General to the Council of Trade and Plantations. I have perused the Acts passed in the General Assemblies held in Antigua, 1696, 1697 (*enumerated*), and conceive that they are all agreeable to law and justice and do not contain anything prejudicial to H.M. Royal Prerogative. *Signed*, Jo. Hawles. *Endorsed*, Recd. 28th May, Read 8th Aug., 1700. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 70; *and* 46. *pp.* 65–68.]

May 27. **473.** Solicitor General to the Council of Trade and Plantations. I have considered the Acts passed in the General Assembly of Nevis, April, 1698, and the Act renewing them, Jan. 5, $169\frac{8}{9}$, to which I see no objection. *Signed*, Jo. Hawles. *Endorsed*, Recd. 28th May, Read 9th Sept., 1700. 1 *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 71; *and* 46. *pp.* 77, 78.]

May 27. Hampton Court. **474.** Earl of Jersey to the Council of Trade and Plantations, referring enclosed petition for their opinion and desiring their report upon what allowances have heretofore been made by the Provinces of Massachusetts Bay, New York and New Hampshire, or may be expected from them, towards the maintenance of their Governor. *Signed*, Jersey. *Endorsed*, Recd. Read May 30, 1700. 1 *p. Enclosed*,

474. i. Petition of John Champante, Agent of New York, to the King. Lord Bellomont is now reduced to very great straits owing to the several expensive journeys His Majesty's service has obliged him to take, and because he has already so engaged his credit for victualling

1700.

and supporting His Majesty's forces in the Province of New York that he is incapable of doing anything farther either towards theirs or his own support. His Lordship had, before he left England, a gracious promise from His Majesty that the fixed salaries for the several Governments should be 1,200*l.* for Massachusetts Bay, 1,000*l.* for New York, 300*l.* for New Hampshire, and that in case the said Provinces did not settle such annual salaries, then His Majesty would make up the same from hence. Since his entrance upon the Governments he has only received 400*l.* *per annum* from New York, Massachusetts Bay and New Hampshire refusing to make any settlement of annual salary. His Majesty's direction for settling a due provision for his Lordship's support is humbly solicited. *Signed*, J. Champante. 1¾ *pp.* [*Board of Trade.* New England, 10. *Nos.* 42, 42.i.; *and* 38. *pp.* 20–23; *and*, (*memorandum of above*, ½ *p.*,) New York, 10. *No.* 2.]

May 27. Charles Town.

475. Edward Randolph to the Council of Trade and Plantations. I arrived here the 10th inst. from Providence, and writ to you thence *via* Jamaica, enclosing papers relating to Read Elding, Dep. Gov., taking and bringing in as a prize the briganteen *Bahama Merchant* of Boston into Providence harbour. The inhabitants are alarmed lest the Spaniards of the Havannah will drive them off from their new settlements, the walls of the fort at Providence next the harbour are level with the ground. I enclose a copy of Thomas Smith's deposition, by which it appears the Governor of the Havannah entertains and protects pirates, which have lately taken several vessels in the Gulf of Florida, as also two letters from Read Elding. By the enclosed list taken out of the Custom House, it appears that, notwithstanding the severity of the Spaniards used to all masters and others who have logwood aboard, they have brought 260 ton from Jan. 25 to April 26, all which is shipped off for London. They have now found out the true way of raising and husking rice. There has been above 300 tuns shipped this year to England, besides about 30 tuns to the Islands. They are very much improved in making silk, and everybody has planted mulberry trees to feed their worms. They work very kindly, and, if the country were put under His Majesty's immediate government, this would soon be the most thriving Plantation upon the continent. *Signed*, Ed. Randolph. I am happening to Bermuda, though my lameness continues. *Endorsed*, Recd. 29 July, Read 30th ditto, 1700. 1 *p.* *Enclosed*,

476. i. Abstract of above. 1 *p.*

476. ii. Governor Read Elding to the Council of Trade and Plantations. New Providence, April 12, 1700. I have received your instructions by the hands of Esq. Randolph. *Repeats* substance of No. (318). *Endorsed as above.* 1 *p.*

1700.

476. iii. Duplicate of preceding.
476. iv. Duplicate of No. 318. ii.
476. v. List of entries of ships importing braziletto and logwood into Carolina, Jan. 25–Apr. 26, 1700. Six ships, totalling 11 tons of braziletto, and 260 tons of logwood. 1 *p. Same endorsement.* [*Board of Trade.* Proprieties, 5. *Nos.* 51, 51.i–v. ; *and* (*without enclosures*) 26. *pp.* 286–288.]

May 27. Charles Town.

476. Edward Randolph to Mr. Secretary Vernon. I arrived here on May 10 from Providence, where I left the inhabitants in a dissatisfied and unsetled condition, because the Lords Proprietors have had no regard to their good Government and security, fearing the Spaniards, their neighbours at the Havannah, will once more ruin them and drive them off from their settlement, as they not long since did. The Governor of the Havanna entertains and protects pirates, which lately robbed and took several loaden vessels in the Gulf of Florida, as appears by the deposition of Capt. Thomas Smith. Those pirates were upon the coast nigh this harbour that day I arrived, and might have been easily surprised, but the Governor living a great way from this town (which is a great fault), they lost the opportunity for want of present orders, giving them time to victual and return to the Gulf. The Bahamas are some of them very large and capable of as great improvement as Barbados or Jamaica, 'Tis a mighty prejudice to trade, and a greater to the Crown that those noble persons and others to whom they do belong either do not or will not regard their own interest nor the well-being of the poor inhabitants who live scattered, some upon one island and others very remote upon another, in no condition to secure one another, their fort at Providence lying level with the ground next the harbour. 'Tis reported here that the Lords have appointed another Governor to succeed Governor Webb. Mr. Blake, the present (Deputy) Governor, drives a fine trade of seizing and condemning vessels. Right or wrong, he is sure to be the gainer, having the Judge always on his side and his creatures at his back to appraize them and their ladings, sometimes at not half their first cost, by means, if the judgment be confirmed, His Majesty's third part comes to little, but if the judgment be reversed and orders are sent to make satisfaction to the owners, they come off with very great loss, besides trouble and charge, as Mr. Renue's case, who will be a great looser, and the [*same*] must be expected of the sloop *Turtle* of Barbados, Robert Cunningham, master, unless the Governor be ordered to pay the full of the first cost of vessel and cargo with the full advance upon their goods. The *Cole and Bean* galley of London, Paul Welch, master, cost in London 1,200*l.*, with the charge to fit her out, she was bought by George Logan, one of the appraisers, for 755*l.*, Carolina money, for the Governor. He has sent her to the Bay of Campeechi to load log-wood, and intends to sell her and her loading at Curaçao. Her cargo cost 2,700*l.* in London : 'tis appraised here at 1,740*l.* 19*s.* 3½*d.* by George Logan,

1700

James Stanyan, a Planter, and Lewis Pasquerea, one who is the Governor's clerk, and lives in his house in town. The Governor has one third part of those goods at the appraised value, and a bond is given to the Collector for His Majesty's third part of 755*l.*, the appraised value of the galley. I enclose a copy of the deposition of Wm. Joel, of Bermuda, from whom Governor Blake without any proceedings at law privately conveyed 80*l.* in money and goods into his own and his creature Stanyan's pockets, under pretence his sloop was not registered. [*See* Cal. 1699. No. 193.] I humbly recommend this poor oppressed Joell's condition to your Honour's charitable consideration, and what orders you shall please to send to Governor Blake to pay him or his attorney the money, let them be directed to Mr. Alexander Parris, merchant in this town, who is his sole attorney, and you will thereby revive the drooping spirits of one who was lately a stout able seaman. *Signed*, Ed. Randolph. $2\frac{3}{4}$ *pp.* [*America and West Indies.* South Carolina, 620. *No.* 5.]

May 27. Whitehall. **477.** Council of Trade and Plantations to the Governor and Company of Connecticut. We are not a little surprised that we have yet received no answer to our letter of April 24, 1699, wherein we sent you H.M. Order in Council of March 9, 1699, relating not only to the particular cases therein mentioned, but also to the general course of justice in the Colony, and to appeals from thence to His Majesty in Council, which letter we are well informed was delivered to Gov. Winthrop, July 24. This long delay gives us just reason to doubt of your having rendred that speedy and punctual obedience to H.M. Order, which we writ you was expected from you by his Majesty, as you would answer to the contrary, and is at least a neglect of your duty to inform us of your proceedings in a thing which we so expressly recommended to you. We therefore once more give you to understand that we wait with impatience for an account of that obedience which His Majesty has required from you in so necessary a matter, that we may lay your answer before him. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Pollexfen, John Locke, Abr. Hill, Geo. Stepney. [*Board of Trade.* Proprieties, 26. *pp.* 215, 216.]

May 27. **478.** Journal of Council of Trade and Plantations. Letter from Mr. Haynes, etc., May 7, read. Since they therein set forth the unwillingness or incapacity of the Navy Board to settle any fixed price with them for pitch and tar for His Majesty's Plantations as the reason for their applying themselves hither, ordered that the Secretary acquaint any of them, when they call here, that if the Navy Board want any power to treat and contract about those matters, they know where to apply themselves to have it.

Letter to the Governor and Company of Connecticut signed.

Progress made in preparing draughts of a Commission for the trial of pirates in America. Ordered that the Secretary write to the Hudson's Bay Company to know whether they desire any such Commission should be settled for Hudson's Bay.

1700.
May 28. Letter from Mr. Burchet, May 17, read.
Letter from Mr. Randolph, Bermuda, Jan. 31, and from Mr. Randolph and Col. White, Bermuda, Feb. 20, read. Papers transmitted therewith laid before the Board. [*Board of Trade.* Journal, 13. *pp.* 53–57; *and* 97. *Nos.* 96, 97.]

May 28 Maryland. **479.** Governor Blakiston to the Council of Trade and Plantations. Since my letter of March 12 I have received yours, seeming chiefly a cover to His Majesty's letter of November 10 relating to pirates. This coast at present seems to be environed with them, an account whereof your Lordships will have more fully and perfectly from my friend Gov. Nicholson, he having done a signal piece of service in taking one of them, which had on board one hundred and odd men, and they had taken two of the most considerable ships, one from Virginia, the other from Maryland, but, thank God, were both retaken again. Gov. Nicholson was so kind to send me up an express with information of his success, as also an account how the coast was infested with pirates. Two days before I received his letter there were cleared four or five of the largest ships trading to this Province, but I hope it will prove very fortunate our having Capt. Coode here, who I immediately ordered under sail, and, I hope, overtook the ships then in the Bay, the wind being something contrary for them, and he will be able to give them timely notice to avoid the danger that threatened them, after the performance of which I directed him to go for Virginia for intelligence how we may proceed in the clearing those ships now ready to sail, and I also ordered him to wait upon Governor Nicholson, if he had any commands for him in His Majesty's service to attend there, for his men may be of use, though his vessel is not, she having but four guns, with as many pattereros, so that she is no more able to be a guard to the coast than a sloop. If Capt. Cood's ship were answerable to his seeming diligence and industry for His Majesty's service, I am confident he would never be found tarde. The Assembly met April 26. I send herewith transcripts of the Laws and the Journals of the Council and Assembly. The Sessions of Assembly was of a much longer continuance than was expected, though it lasted but 12 days, which was occasioned by H.M. Order in Council for the repealing of the law for the establishment of the Protestant Religion, of which I enclose a copy. It was brought in here by the Quakers and delivered me publicly in company of several gentlemen whose names are upon the minutes of the Council Book. The order for the repealing that law seemed very much to affect the people, and being so openly delivered by the Quakers occasioned me to summons the Council, whose advice was to lay it before the Assembly at their meeting, which I did, and it was unanimously agreed to that it should be repealed and a new law drawn up for the establishment of religion here, leaving out those clauses which pointed the reasons of its being made null; those paragraphs which it contained of contrary natures did seem unreasonable to most thinking persons here, and a diminution to His Majesty's just prerogative, which was carried on by some hot-headed people

1700.

then in power here, but I hope there is an end of all those heats and animosities, the law being now purged of all those dregs, and contains nothing but what is, I hope, essential to itself, and that it will not in the least be thought to interfere with H.M. Instructions of re-enacting a law twice, for I should be very tender and cautious of making the least false step in any of my Instructions. I hope, when you peruse the Journals of Council and Assembly, you will have a favourable opinion of my proceedings, all things having been carried in the channel of a good agreement, so that I hope the good correspondency which at first I made with the country will be mutually preserved. *Signed*, N. Blakiston. *Endorsed*, Recd. July 26, Read July 30, 1700. *Holograph*. 3¼ *pp. Enclosed*,

479. i. Copy of Order in Council, Nov. 30, 1699, repealing the Act of Maryland, *For the service of Almighty God, etc.* 1 *p.*

479. ii.–v. Memoranda of Acts and Journals of Council and Assembly of Maryland, April 26–May 9, 1700. 4 *slips*. [*Board of Trade*. Maryland, 4. *Nos.* 4, 4.i.–v. ; *and* (*duplicate of letter*), No. 5. ; *and* 9. *pp.* 500–506.]

May 28. Admiralty Office.

480. J. Burchett to Mr. Popple. This morning my Lords of the Admiralty received and read a letter from the Earl of Jersey, His Majesty's Principal Secretary of State, together with an extract of a letter from our Consul at Algiers, giving an account of what has passed between the Dey and himself relating to passes to secure the ships of His Majesty's subjects, which trade to the Plantations from hence and from one Plantation to another, from the ships of that Government, a copy of which letter I am commanded to send you for the information of my Lords of the Council of Trade. And the King's pleasure being signified to my Lords that they should consider of this matter and give the necessary directions, their Lordships think that all possible dispatch ought to be made in the dispatching *Passes* to the several Colonies, since the Algerines have limited the time for the ships and vessels being supplied therewith to September next. Wherefore my Lords have given orders for preparing them accordingly, and intend to send to the respective Governors a certain number with a recommendation to them not only to be careful in the delivery of the same, but to take sufficient security from the masters and owners that they shall not be employed to any indirect use, and that at the end of the voyage they be returned, and others will be delivered to them, under the like conditions, when they set out again. And as for the ships that trade from hence to the Plantations, their Lordships do intend to move His Majesty by memorial on Thursday next that he will be pleased to issue his Royal Proclamation, requiring the said ships to take out such Passes for their security, should they meet with Algerines in their trading voyages.

This method my Lords do hope may answer the end designed, and it is conformable to what the Lords of the Council of Trade proposed Dec. 19 last, but their Lordships having by the said

1800.

letter proposed further to prepare particular Rules and Instructions relating to the Plantations as might be most proper, in addition to those relating to Passes in His Majesty's other dominions, my Lords are desirous their Lordships will prepare such Rules as soon as conveniently they can, and meantime give them their opinion of what my letter acquaints them is intended to be done, with relation to this business of Passes. *Signed*, J. Burchett. *Annexed*,

480. i. Extract from letter from Mr. Robert Cole, H.M. Consul at Algier, April 13, 1700. I have had long discourse with the Dey, the conclusion of which was that all His Majesty's subjects trading in the way of Algiers be supplied with the Admiralty Passes, and, because of the distance of the Colonies from England, the Dey has given me till September next for their being furnished, after which time I am to deliver the counterpart, and such of our navigation as these cruizers shall meet withall unprovided of them when the time is out, they will bring them up, confiscate their goods, pay the master his freight and discharge the ship and men ; so that it's absolutely necessary immediate care be taken for the sending those instruments to the Plantations for the safety of His Majesty's subjects, as often as these ships go out. I addrest myself to the Dey, and he positively forbids their going into the channel. [*Board of Trade.* Trade Papers, 15. *pp.* 57–60.]

May 28. Whitehall. **481.** William Popple to Samuel Clark, Deputy Governor of the Hudson's Bay Company. The Lords Commissioners for Trade having received order from His Majesty to prepare Commissions for the trial of pirates in H.M. Plantations, they desire to know whether the Hudson's Bay Company desire that any such Commission should be settled for Hudson's Bay. [*Board of Trade.* Hudson's Bay, 3. *p.* 91.]

May 28. **482.** Minutes of Council of Massachusetts Bay. His Excellency the Earl of Bellomont communicated to the Board what he proposed to recommend to the consideration of the Great and General Court or Assembly appointed to convene to-morrow, viz., the settlement of the College, the support of the Ministry, the fortifying of the port of Boston, providing for the support of the Government, and to prevent the defection of the Five Nations and other Indians that were in danger of being seduced by the French, and the making of an Act to prevent the escape of pirates and other prisoners from prison, and to punish prison-keepers that shall wilfully and negligently suffer escapes, His Majesty, by his royal letter, which was read, having particularly recommended the making of such a law. The Council concurred. [*Board of Trade.* New England, 49. *p.* 294.]

May 29. **483.** Wm. Thornburgh to Wm. Popple. The Lords Pro-

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prietors of the Bahama Islands are glad that the Council of Trade and Plantations (May 24) are of opinion that the Governor's bond is a likely means to keep him within his duty, and hope they will likewise be of opinion that no greater burthen ought to be laid on them than the law hath laid, the Lords Proprietors having, as they conceive, done all things that the law requires of them, whereof they desire their Lordships to make a just report to the King, as they doubt not but they will, and be pleased to make their excuse for not complying in giving them personal security as proposed, being a matter altogether new, prejudicial to their interest as Proprietors, and of no advantage in the least to His Majesty's service. *Signed*, Wm. Thornburgh. *Endorsed*, Reed. 29 May, Read 5 June, 1700. 1 *p.* [*Board of Trade.* Proprieties, 5. *No.* 53; *and* 26. *pp.* 216, 217.]

May 29. **484.** Attorney General to Mr. Popple. In the case of the *Cole and Bean* galley, Admiralty Court, South Carolina, I am of opinion that Mr. Edmund Bellinger was qualified to make the seizure, and prosecute the same as informer. But I think an appeal ought not to have been refused to the master and owners. *Signed*, Tho. Trevor. *Endorsed*, Recd. May, Read 14 June, 1700. ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 52; *and* 26. *pp.* 222, 223.]

May 29. Boston. **485.** Minutes of Council in Assembly of Massachusetts Bay. The Representatives were sworn, and signed the Declaration and Association :—

For the County of Suffolk :

Boston,	Capt. Timothy Clarke.
	Isaiah Tay.
	James Barnes.
	Capt. Bozoun Allen.
Roxbury,	Capt. Timothy Stevens.
Dorchester,	Capt. Samuel Clap.
Milton,	Capt. Thomas Vose.
Brantrey,	James Bracket.
Weymouth,	Capt. Stephen French.
Medfield,	Capt. Samuel Barber.
Hingham,	Joshua Beale.
Dedham,	Capt. Daniel Fisher.

For the County of Essex :

Salem,	Capt. Manassch Marston.
	Phillip English.
Ipswich,	Major Francis Wainwright.
	Nathaniel Knowlton.
Newberry,	Tristram Coffin.
Lynn,	Capt. John Burrill.
Marblehead,	Capt. John Legg.
Beverly,	Samuel Balch.
Wenham,	Walter Fairfield.
Rowley,	John Dresser.
Andover,	John Abbott.

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For the County of Essex:	
Haverhill,	John White.
Topsfield,	Tobijah Perkins.
Boxford,	John Peabody.
Gloecester,	Thomas Riggs.
Salisbury,	Capt. Henry True.
Aimsbury,	Thomas Fowler.
County of Middlesex:	
Charlestown,	Samuel Phips.
	Jacob Greene, junr.
Cambridge,	John Leverett.
Newton,	James Trowbridge.
Watertown,	John Paige.
Sudbury,	Peter King.
Marlboro',	Thomas How.
Coneord,	James Minot.
Chelmsford,	Joseph Hildreth.
Bilriea,	Capt. Joseph Tompson.
Wooburne,	Capt. Edward Johnson.
Reading,	Capt. John Brown.
Maulden,	Capt. William Green.
Medford,	Peter Tufts.
Sherborne,	Obadiah Morse.
County of Hampshire:	
Springfield,	John Pynehon, tertius.
Northampton,	John Clarke.
Hadley,	Daniel Marsh.
Hatfield,	Capt. Samuel Partrigg.
Westfield,	Isaac Phelps.
County of York:	
Yorke,	Samuel Donnel.
Kittery,	Charles Frost.
County of Plymouth:	
Plymouth,	Nathanl. Warren.
Situate,	Capt. Benj. Stutson.
Marshfield,	Samuel Sprague.
Bridgewater,	Elihu Brett.
Duxboro',	Capt. Seth Arnold.
County of Barnstable:	
Barnstable,	Thomas Hinekley.
Yarmouth,	Thomas Sturgis.
Eastham,	Israel Cole.
County of Bristol:	
Bristol,	Ebenezer Brenton.
Taunton,	Robert Crosman.
Swanzey,	Ephraim Peiree.
Rehoboth,	John Hunt.
Little Compton,	Henry Head.
County of Nantucket,	James Coffin.

They eleeted John Leverett, Speaker. The House of Representatives proposed to proceed to the election of Councillors by putting in votes for 19 Councillors for the territory formerly

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called the Colony of Massachusetts, five for the territory formerly called the Colony of Plymouth, three for the late Province of Maine, and one for Sagadahock. The Council negatived this proposal twice, declaring the old usage best, viz. 18, 4, 3 and one Councillors respectively for the above-mentioned territories, and then two at large within any part of the Province. The Representatives adhered to their proposal. A conference between the Houses was held and the Council consented for this time to put in votes for 19 for the late Massachusetts Colony, and the rest of the Election to proceed according to former usage. The Council and Assembly accordingly elected as Councillors or Assistants;—*For the late Massachusetts Colony* :—William Stoughton, John Pynchon, Wait Winthrop, James Russell, Elisha Cooke, John Hathorne, Elisha Hutchinson, Samuel Sewall, William Browne, Isaac Addington, John Phillips, Jonathan Corwin, John Foster, Peter Sergeant, Daniel Peirce, Penn Townsend, John Appleton, John Higginson, Saml. Partrigg. *For the late Colony of New Plymouth* :—Barnabas Lothrop, John Thacher, Nathaniel Thomas, Nathanl. Byfield. *For the late Province of Maine* :—Eliakim Hutchinson, Joseph Hammond, Samuel Donnel. *For the territory between the River of Sagadahock and Nova Scotia* :—Joseph Lynde. *For the Province at large* :—John Walley.

May 30. His Excellency approved of the above elections, and excused Samuel Donnel from serving. The remaining 27, except John Higginson, who was not present, were sworn Councillors. Samuel Partrigg took his place at the Board. His Excellency addressed the Council and Assembly :—My proposals last session for the settlement of the College and fortifying the harbour were so coldly entertained that I am almost discouraged from renewing my advice. The settlement of the College will best be obtained by addressing the King for his royal charter of privileges ; the fortifying of the harbour is in your own power to do. I recommend to your care the ministers in the remote parts of the Province who have narrow stipends, and also the French Minister of this town, who is destitute of a maintenance, because there are so very few families here. Let the present raging persecution of the Protestants in France stir up your compassion for him. I wish for your sakes the French Protestants had been encouraged among you ; they are a good sort of people, very ingenious and industrious, and would have been of great use for peopling this country and enriching it by trade. You know that the French Missionaries have debauched the Eastern Indians from their obedience to the King, and that it was at their instigation they murdered so many of your people this last war, and are now at the devotion of the Jesuits to act over again such another tragedy. It seems to me that the suffering Jesuits or other Popish Missionaries to live in this Province, and poison the Indians with their gross idolatry and superstition, is derogatory to English laws and government, and I wish you would this session without further delay make a law for punishing such Popish Missionaries as shall at any time presume

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to come within this Province. I find they are no less industrious to debauch our Five Nations in the Province of New York, taking indefatigable pains to work on some by fear and menaces, on others by enticement and flattery. The messengers I lately sent to encourage them inform me that several of our forward fighting Indians that were best affected to us have lately been dispatched out of the world by poison. The parting with Canada to the French and the Eastern Country called Accadie or Nova Scotia, with the noble Fishery on that coast, were a most execrable treachery to England, and intended without doubt to serve the ends of Popery. 'Tis too well known what interest that King favoured that parted with Nova Scotia, and of what religion he died. I have now in my hands his original order to the Governor of Nova Scotia to surrender that country to the French, and 'tis observable the Secretary of State that countersigned the Order afterwards died a Papist. Such fatal misgovernment in the late reigns ought to give us the highest veneration for our true Protestant King. I am commanded by His Majesty to recommend to you the passing a law to prevent the escape of pirates, etc. You would do well to make a law that shall effectually prevent the clipping and debasing the currant coin and also the exportation thereof, both which are become too universal a practice, and tend very much to the impoverishment of the Province. The management of the Eastern Indians in such a manner as to bring them again under the obedience of His Majesty is necessary above all other things, and worth your care. To the House of Representatives I recommend the provision of supplies.

The Representatives retired. A Bill for the better regulating of prisons was drawn up, read twice and committed.

A Committee was appointed to draw up a bill for suppressing and punishing any Popish Missionaries found in the Province.

Bill relating to the duty of a Coroner read twice and committed. [*Board of Trade.* New England, 49. *pp.* 337–343.]

May 30. Hudson's Bay House.

486. William Potter, Secretary of the Hudson's Bay Company, to the Council of Trade and Plantations. In reply to your letter of 28th inst. the Company with great grief do say their sufferings in Hudson's Bay by the French, their disappointments and hard usages by the Articles of the late Peace and the present discouragements they are under by being prosecuted by H.M. Attorney General in a suit of law, lies so hard upon them, that they are not in a capacity to send any ship to Hudson's Bay this year, nor shall they have any way of sending a Commission, whatever occasion there may be of it. *Signed,* Wm. Potter. 1 *p. Endorsed,* Recd. Read May 30, 1700. [*Board of Trade.* Hudson's Bay, 2. *No.* 26; *and* 3. *p.* 92.]

May 30. Hampton Court.

487. Order of King in Council, approving of the Memorial of the Lords of the Admiralty relating to Passes for ships trading in the way of the Algerines, and ordering that a copy thereof be sent to the Lords Commissioners for Trade and Plantations,

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who are to consider and settle the method and manner of granting them. *Signed*, John Povey. *Annexed*,

May 30. Admiralty Office. 487. i. Lords Commissioners of the Admiralty to the King. Considering the time limited by the Government of Algiers for supplying the ships in H.M. Plantations with Passes, we have determined forthwith to send to the respective Governors a fitting number thereof to be distributed to them from time to time, and to recommend that they take sufficient security that they be not employed to indirect uses; but as for such ships as shall trade from this Kingdom and that of Ireland either to the Plantations or to any other parts where they may probably meet with the ships of Algiers, we humbly propose that His Majesty issue forth his Royal Proclamation requiring the owners and masters of all such ships to take out such Passes for their security before they proceed on their voyage. *Signed*, J. Bridgewater, Haversham, Geo. Churchill, D. Mitchill. [*Board of Trade.* Trade Papers, 15. *pp.* 60–63.]

May 30. Hampton Court. **488.** Order of King in Council, approving of the above memorial of the Admiralty, and directing that Passes be given to English trading to and from the Plantations and other remote parts, and from one Plantation to another. H.M. Consul at Algiers is to acquaint the Dey that Passes shall be granted to His Majesty's subjects trading in the way of the Algerines, but, in regard the time proposed by the Government of Algiers till September next will be too short for supplying English ships at present in the East and West Indies and other remote parts with such Passes, he is to insist that the time be enlarged to 18 months from the last declaration of the Dey or to such further time as he can obtain, being not less than 6 months after Sept. next; and that if any ships belonging to His Majesty's subjects be seized for want of such a Pass, the owners may reclaim such ship and goods, bringing proof that they do truly and bona fide belong to His Majesty's subjects; and that pursuant to the VIIIth Art. of the Treaty with Algiers the ships of that Government be hindered from cruizing near or in sight of any of His Majesty's roads, harbours, ports, towns or places in Europe or elsewhere, or any ways disturbing the Peace and Commerce of the same. *Endorsed*, Recd. 18th, Read 19th June, 1700. *Copy.* 1¾ *pp.* [*Board of Trade.* Plantations General, 5. *No.* 65; *and* 35. *pp.* 282–284.]

May 30. **489.** Minutes of Council of New York. Sundry payments ordered. Sale of the *Adventure* to George Anderson ordered. 6*l.* paid to John Carter for reading prayers to the soldiers of the garrison at Albany. Commission for the trial of Platt delivered. [*Board of Trade.* New York, 72. *pp.* 318, 319.]

May 30. **490.** Journal of Council of Trade and Plantations. Letter from Mr. Burchett, May 28, read.

Letter from Lord Jersey, May 27, read.

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Letter from Mr. Potter, Sec. of the Hudson's Bay Co., read.

May 31. Order of Council, 30 May, relating to Passes, read. Their Lordships considered the matter and looked into what has been done therein for some time backward, and ordered that Vice-Admiral Aylmer be desired to call to-morrow, to explain the ground of his intimating to Mr. Secretary Vernon, July 17, 1699, that the Algerines had agreed our ships might go free for 18 months without Passes, if those at remote distance could not be furnished therewith sooner, "and so to prolong the time till it was otherwise adjusted." Progress made in considering the Rules necessary to be observed in relation to furnishing and giving out Passes to ships in the Plantations.

June 1. The Secretary informed their Lordships that Admiral Aylmer was out of town. Further progress made in the business of Passes. [*Board of Trade.* Journal, 13. *pp.* 57–60; *and* 97. *Nos.* 98–100.]

May 31. Boston. **491.** Minutes of Council in Assembly of Massachusetts Bay. Bills for the regulation of prisons, and relating to the office of a Coroner were amended in Committee.

Benjamin Browne was elected Councillor for the late Province of Maine.

June 1. Bill for the better regulating of prisons and to prevent escapes agreed to with amendments. [*Board of Trade.* New England, 49. *pp.* 344, 345.]

June 3. **492.** Solicitor General to the Council of Trade and Plantations. I have considered the Laws passed in General Assembly of New York, Oct. 5, 1696–April 23, 1697, and find in them nothing but what is agreable to law and justice, or that is prejudicial to H.M. Royal prerogative. *Signed,* Jo. Hawles. *Endorsed,* Recd. 28th June, Read 1st Aug., 1700. 2 *pp.* [*Board of Trade.* New York, 10. *No.* 3; *and* 54. *pp.* 283–285.]

June 3. **493.** Journal of Council of Trade and Plantations. Report relating to Admiralty Passes agreed upon.

Progress made in preparing a Report relating to Commissions for the trial of pirates in the Plantations.

June 4. Further progress made with above report.

June 5. Representation relating to Admiralty Passes signed.

Representation relating to Commissions for trying pirates signed. Letter from Mr. Thornburgh, May 29, read. Directions for a Representation thereon given.

Memorial from Col. Codrington relating to soldiers in the Leeward Islands read. Ordered that the Secretary acquaint him, whenever he calls, that the King having settled his military establishment there to consist only of one Company in St. Christopher's, this Board cannot at this time propose any alteration therein; but that, as for those that are to be disbanded, if he can make such dispatch to arrive there time enough and be able to persuade all or any of them to remain and settle in Antegoa or any other of those Islands, it will be very well. [*Board of Trade.* Journal, 13. *pp.* 60–62; *and* 97. *Nos.* 101–103.]

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June 3. **494**. Minutes of Council in Assembly of Massachusetts Bay. Bill relating to the office of a Coroner passed and sent down to the Representatives.

Bill for regulating prisons read and ordered to be read again to-morrow.

Bill relating to dower and provision for posthume children read a first time.

His Excellency laid before the Board a letter from the Hon. John Winthrop, Governor of Connecticut, importing that the General Assembly of that Colony, being desirous that the boundaries betwixt the same and this Province might be adjusted, had appointed Commissioners to treat and fully issue and conclude the same with this Government. His Excellency ordered the letter to be sent down to the House of Representatives.

June 4. Committee of both Houses appointed to treat with the Commissioners of Connecticut with reference to the boundaries, to inform themselves how far the said Commissioners are empowered in that behalf, to receive proposals from them, and to make their report thereon to this Court at their present Session.

The hearing of the petition of the Town of Newton was fixed for June 11th.

Bill relating to dower etc. read a second time and committed.

Bill for regulating prisons again read.

Several petitions referred to a Committee to report upon.

John Higginson and Benjamin Browne were sworn Counsellors.

A Committee of both Houses was appointed to prepare an address to His Majesty with reference to the encroachments and claim of the French to part of this, His Majesty's Province and Territory, and right of Fishery upon the coast of Accadie or Nova Scotia; and that there may be a settlement and adjustment of the boundaries betwixt this Province and the French Territory to prevent future troubles, and the right and privilege of the English to the Fishery to be asserted.

His Excellency, intending to visit the Castle and to take a survey of the harbour of Boston to-morrow, attended with some of the Council and a Committee of the Representatives, adjourned the Council till June 6. [*Board of Trade.* New England, 49. *pp.* 345–348.]

June 4. **495**. Minutes of General Assembly of Barbados. Thomas Maycock and Wm. Terrell fined for not attending. Others absent sick. Only thirteen being present, the House adjourned. [*Board of Trade.* Barbados, 65. *p.* 562.]

June 5. **496**. Memorandum of Correspondence relating to Algier Passes, from April 29, 1698. [*Board of Trade.* Plantations General, 35. *pp.* 210–212.]

June 5. Whitehall. **497**. The Council of Trade and Plantations to the King. *Refers to* letter from the Admiralty, May 28, and Order in Council, May 30th, relating to Passes, and represents:—(i) That a sufficient number of Admiralty Passes pursuant to the Treaty

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with Algier be immediately sent by several conveyances to all the Governors of the Plantations acting by your Majesty's immediate commission, to be given out by them as shall be requisite. But whereas there is at present no Governor of any Propriety or Charter Government, who has your Majesty's approbation in pursuance of the late Act for preventing frauds etc., we humbly propose that in all such Plantations the Passes be intrusted with the respective Collectors appointed by the Commissioners of Customs in pursuance of the Act, 25 K. Charles II. (ii) That notice be given to the Governors or Commanders in Chief of your Majesty's Plantations and to the Collectors aforesaid that the Algerines have given no longer time than till Sep. next for all ships belonging to your Majesty's subjects to be provided with Passes, and have declared that such of our Navigation as their cruizers meet with after that time shall be carried up and their goods confiscated, to the end that they may give notice to all persons concerned in their respective Governments and Districts, in order to their providing themselves with Passes as requisite for the security of their trade and navigation not only from the Plantations to Europe, but from one Plantation to another. (iii) That unless Passes be already given to all ships gone this year to Newfoundland, there be a sufficient number of Passes immediately sent by more than one conveyance to the Commander(s) in Chief of your Majesty's ships of war at Newfoundland, to be by him distributed to the ships that are there qualified to receive them, and that intimation be likewise given to the said Commander in Chief of the intention of the Algerines, that he may communicate it to the masters of ships at Newfoundland. (iv) That the Governors and Collectors distribute the Passes to the masters of such ships as are qualified to trade within their respective Governments and Districts. (v) That no such Pass be given for any Ship unless it appears that she is at the same time in some port or place within such Government or District. (vi) That no such Pass be given until the master of the ship, for which it is demanded, have made oath before some person who has power to administer an oath in the Plantation where it is so demanded, that he has no other Admiralty Pass, and, in case he have any, until such former Pass be delivered up. (vii) That every master of such ship, before any such Pass be given, do give bond with one good security in the sum of 100*l.* sterling, if the ship appear to be above 100 tuns, and 50*l.* if under, for the return of his Pass to the Admiralty. (viii) That the Passes for all ships entering outwards in the Plantations, coastwise, or for any other of your Majesty's Plantations, continue in force for one year and no longer, and for ships entering outwards there for Africa or Europe do determine either at the expiration of one year or upon their return and being unladen in any of the Plantations or in England. (ix) That Registers of these be kept, and transcripts of them transmitted quarterly to the Admiralty, and communicated by every opportunity by the Governors and Collectors to each other. (x) And that whereas by the too short limitation of time, until

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September next, it is to be feared that many of the ships gone to Newfoundland and the Plantations may miss of the Passes now to be sent thither, we are humbly of opinion that Passes be also lodged for such ships under the foresaid regulations with your Majesty's Ministers and Consuls in the ports of Portugal, Spain, France and Italy, which may be more particularly of use for the Newfoundland ships and others carrying fish to those parts, as well as other ships now abroad that may stand in need of them. And we humbly crave leave to add that the most pressing and effectual means be used by your Majesty's order at Algier to induce that Government to enlarge the time now set by the Dey for the furnishing ships with Passes, without which we apprehend many of your Majesty's subjects, notwithstanding all other provisions that can be made, will suffer great loss. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Locke, Abr. Hill. [*Board of Trade.* Trade Papers, 15. *pp.* 67–73; *and* Plantations General, 35. *pp.* 213–220.]

June 5. Whitehall. **498.** Council of Trade and Plantations to the King, offering names of Commissioners recommended to be included in the Commissions for the trial of pirates in America :—Those holding the following offices for the time being are proposed with variations suitable to each Plantation—The Governor, Commander in Chief and Lt. Governor ; Proprietors, Vice-Admiral, Members of Council,Chief Justice, Judge of the Admiralty,Captains and Commanders of H.M. ships of war within Admiralty jurisdiction, Secretary, Receiver General of H.M. Revenue, Collectors of the Plantation Duties, Judges of the Courts of Common Pleas, Surveyors General of H.M. Customs in America. *Concludes*,—Commission for Newfoundland :—the Captains, Commanders, Lieutenants and Masters of H.M. ships of war at or near the coast for the time being, the masters of English ships at Newfoundland of 200 tons and upwards, and George Larkin, Esq. As to the Bermuda Islands, the Government there being now unsettled, we cannot at present nominate a sufficient number of fit persons. For the better settling the forms of proceedings in the execution of the Commissions, we humbly offer that George Larkin, who is recommended to us by Sir Charles Hedges, Judge of the High Court of Admiralty, as well versed in the Civil Law, may be sent with duplicates of the Commissions to the several Plantations, in order to inform the Commissioners and do what else may be necessary in the holding of those Courts, which service we conceive may be performed within the compass of one year. We humbly offer that your Majesty's Attorney and Solicitor General be directed forthwith to prepare the necessary Commissions. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Locke. [*Board of Trade.* Plantations General, 35. *pp.* 221–239.]

[? June 5.] **499.** Memorial from Col. Codrington to the Council of Trade and Plantations. I beg leave to recommend to your Lordships' consideration whether some measures may not be taken for

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securing to the Islands those men who shall remain upon the breaking of Col. Foxe's regiment, whether you would not think it for His Majesty's and the public service that two companies of 100 men each should be formed for the Island of Antigua, the Windward part of which, as I am informed, is very thinly if at all settled, by reason of the frequent attempts of the Indians from Dominique and Ste. Lucie, who have so often landed there and carried off the negroes and sometimes whole families which have lain too distant from others, that no Planters are now willing to venture themselves or their stocks there. I would only propose this charge should be on the King's account till the next session of Parliament, and if it could not then be obtained upon their Lordships' representation that those two companies should be added to the present establishment, I would endeavour jointly with the Council and Assembly to settle the men there as Planters, by allowing them such proportions of land as would be sufficient to support them, which would necessarily be done by choosing tradesmen or otherwise industrious and useful men for these two companies. If this proposal should not be closed with, I am obliged in duty and am desired by several merchants and others interested in the Islands to remind your Lordships that there has never been less than two companies at the King's charge on the Leeward Islands, since the breaking of Sir Tobias Bridges's regiment, which two companies were formed into one upon sending the Duke of Bolton's regiment there. Whether the single company at St. Christopher's be of any use or no is left to your Lordships' consideration, for in time of peace there is no enemy to fear and it is only a burthen to a very poor people; in time of war it would only increase the affront of an insult against which it would be a very insufficient guard, since the French have never less than five companies on their part of the Island. *Signed*, Chr. Codrington. *Endorsed*, Read June 5, 1700. 2½ *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 72; *and* 46. *pp.* 42, 43.]

June 5. Virginia. **500**. Col. Quary to the Council of Trade and Plantations. I very readily complied with Mr. Secretary Vernon's instructions, and paid the balance of the pirates' money and effects to the L.G. of New York and have taken his receipt, being so ordered by the Earl of Bellomont. I sent Mr. Secretary a complete account of all that ever came to my hands, which I have sworn to, and also an account of the charges I have been at in seizing the pirates and for their maintenance. I send you the same. It is possible you may think the charges to the men that assisted me in apprehending the pirates amount high, but when Mr. Penn's Governor refused me any assistance, I had to raise a number of brisk men, that would venture their lives and stand by me, and that could arm themselves, by obliging myself to pay them their own terms, for I had no power to command or press men. I had then a prospect of seizing all the pirates and their effects, to the value of 30,000*l.*, which I had certainly effected, had I not been betrayed by some ill men of these

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Governments, who gave the pirates intelligence and carried them off the country in boats, and then the purchase would very well have defrayed the charge, besides the great service it would have been to His Majesty to have those villains apprehended, which was the main thing I aimed at. We spent a month's time cruizing the Bay and travelling by land in pursuit of these rogues, so that if the time be considered, with the fatigue and hazard of the men's lives, I presume you will not think 10 pounds a man was extravagant. I have told Mr. Secretary that I am very much threatened to be sued for all the money that came to my hands, in case the persons from whom it was taken should be cleared in England. Nor did I want advice enough backed with reason and law to persuade me to keep the money in my hands till I knew the issue, but I slighted and scorned all advice of that nature, it having ever been my principle to obey, not to dispute, the pleasure of my Prince. I am able to prove every article of my accounts and therefore beg your allowance of it. All the news of America is, the swarming of pirates not only on these coasts, but all the West Indies over, which doth ruin trade ten times worse than a war. Nothing but extraordinary means can remedy this great evil, such as H.E. Governor Nicholson hath lately shewn, who did not stay to lose the occasion, but went out immediately in person, and fought a pirate ship of one hundred and forty men, as well fitted and armed as ever men were. The fight continued from eight in the morning till five in the afternoon, in all which time he never stirred off the quarter-deck, but by his example, conduct and plenty of gold, which he gave amongst the men, made them fight bravely, till they had taken the pirates' ship, with a hundred and odd prisoners, the rest being killed. A few more such expeditious, brave and generous actions from other Governments would quickly clear these coasts of pirates. I had this account from three men of good credit, that were prisoners on board the pirate all the time of the fight. They assured me that had not His Excellency been in person on board the *Shoreham* galley, the pirate ship had not been taken. *Signed*, Robt. Quary. *Endorsed*, Recd. 8, Read 9 Aug., 1700. *Holograph.* 2 *pp.* *Edges damaged.* *Enclosed*,

500. i. Deposition of Robt. Quary as to the pirates' goods which passed through his hands. 1 *p.*

500. ii. Account of money and effects of pirates and of expenses in connection therewith. 1¼ *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 54, 54.i.–ii.; *and* (*without enclosures*) 26. *pp.* 294–299; *and* (ii. *only*) *America and West Indies.* New York, 580. *No.* 22.]

June 5. Hampton Town.

501. Minutes of Council of Virginia. Dionisius Wright took the oaths appointed and was admitted Clerk of the Council.

His Excellency laid before the Council His Majesty's letter of Dec. 26, 1699, commissionating Robert Carter and John Custis to be sworn members of Council; also His Majesty's letter of Feb. 10, 1699, relating to pirates, in the presence

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of Capt. Aldred and Capt. Passenger. Pirate prisoners ordered to be sent home, and also Abraham Surtley, a Dutchman, and William Hunt, a New England youth taken by the pirates, as witnesses. Capt. Aldred and the other captains are to report in England as they find the carriage and demeanour of the pirates. The pirates' goods were ordered to be secured and inventoried till His Majesty's pleasure is further known.

The pirates were reported shipped as ordered.

The Committee appointed to value the bread and flour taken in the prize gave their return.

Upon a serious consideration that our coasts are often and frequently infested with pirates, and in that respect this country being, as it were, in a continual state of war, the inhabitants being very remote and not without great difficulty to be got upon a sudden alarm, and if continually kept in arms or on board, it will be the utter ruin of their crops and His Majesty's interest thereby much prejudiced; and further considering that Capt. Passenger in his late engagement had not men enough to handle the sails and man the guns, which he hath been several times desired by the Council to communicate to the Admiralty, but the same is not yet done, this Council do hereby humbly submit the same to their Lordships' consideration, and that the highest complement of men may be allowed to Capt. Passenger, with a small vessel to attend him, that he may be thereby the better enabled to secure these coasts from infesting pirates.

Capt. Robert Quary's deposition concerning pirates' goods seized by him was by him subscribed and sworn to.

Consideration of the escape of some condemned pirates from the custody of Major John Thorowgood, late Sheriff of Princess Anne County, referred to the Attorney General.

The opinion of the Attorney General, that Robert Bayley, master of the *Lyon* of Bristol, by sailing out of this Colony without having first cleared or paid H.M. duty of 2*s.* *per* hhd., has forfeited his entry bond, and, by sailing when an embargo was laid on all ships to wait for convoy, has committed very great and high contempt of H.M. Government, for which he ought to be proceeded against with the utmost rigour of the law, recommended to the Committee for the Revisal of the Laws and submitted to the consideration of the Lords Commissioners of the Plantation trade.

The great guns left at James Town ordered to be spiled up to prevent their receiving any damage.

Rowland Thomas, formerly belonging to the *Pensilvania Merchant*, taken by the pirates, was granted a pass for his transportation to England. [*Board of Trade.* Virginia, 53. *pp.* 471–477.]

June 6. Hampton Court.

502. Order of King in Council, approving the report of the Council of Trade and Plantations as to granting passes, and directing the Admiralty to cause the particulars thereof, as far forth as it concerneth them, to be duly observed, and also to

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consider whether a duplicate of the letter ordered to be sent to H.M. Consul at Algiers (*vide* May 30) may not fitly be sent to the Commander of H.M. man-of-war at present in or near the Streights with instructions to join with the Consul in his application to the Dey. The Admiralty are to cause counterparts to be sent to the Consul, to be disposed of according to his letter of April 13th. *Signed*, John Nicholas. *Endorsed*, Recd. 8th, Read 17th June, 1700. 1 *p.* [*Board of Trade.* Plantations General, 5. *No.* 67; *and* 35. *p.* 276.]

June 6. Hampton Court.

503. Order of King in Council, directing Mr. Attorney and Mr. Solicitor General forthwith to prepare Commissions to pass the Great Seal of England to the respective Governors and other the persons mentioned in the report of the Council of Trade and Plantations, for the trial of pirates within the Plantations pursuant to the late Act of Parliament, for the more effectual suppression of piracy. *Signed*, John Nicholas. *Endorsed*, Recd. 8th, Read 17th June, 1700. ¾ *p.* [*Board of Trade.* Plantations General, 5. *No.* 68; *and* 35. *p.* 274.]

June 6. Hampton Court.

504. Order of King in Council, approving the appointment of George Larkin, Esq., to be sent with duplicates of Commissions for trying pirates to the several Plantations as proposed by the Council of Trade and Plantations, who are to prepare the necessary instructions, and ordering the Treasury to consider of a fit sum to enable him to perform this service. *Signed*, John Nicholas. *Endorsed*, Recd. 8th June, Read 17th June, 1700. ¾ *p.* [*Board of Trade.* Plantations General, 5. *No.* 66; *and* 35. *p.* 275.]

June 6. Hampton Court.

505. Order of King in Council, referring to the Council of Trade and Plantations the enclosed petition. *Signed*, John Povey. *Endorsed*, Recd. 7th, Read 10th June, 1700. ¾ *p.* *Enclosed*,

505. i. Petition of Capt. Elias Haskett to the King. Petitioner, lately recommended to your Majesty by the Lords Proprietors of the Bahama Islands for the Government of said Islands, hath given already sufficient security, as they required. The Lords of the Council of Trade seem to have no objection to him, but demand that the Lords Proprietors should also enter into security for your petitioner, who desire your Majesty to excuse them for not so doing, they having done all which law required from them, and because the demand of the Lords Commissioners of Trade is altogether new, prejudicial to their rights as Proprietors and of no advantage to your Majesty's service, nor warranted by any Act of Parliament, and that the Acts of last Session do sufficiently oblige them and such Governors as they present to your Majesty to a strict performance of their duty. Petitioner prays that the Council of Trade be directed to take his security, already offered,

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and such further security from him to His Majesty as shall be thought fit, that he may be dispatched to his Government forthwith. *Copy.* 2 *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 55, 55.i. ; *and* 26. *pp.* 216–220.]

June 6. Bermuda

506. Charles Walker to Sampson Mears. About eight days ago I received the Order of Council concerning the *Dolphin*, and presented it to the Governor and Council. The Governor in a contemptuous manner put the order in his pocket and refused to have it read or to communicate the matter to the Council, but upon my urging the matter home, and being something backed by some of the Council, he appointed another Council in two days, at which time the Council attended in hopes of answering the Order to satisfaction. He told them that the Order was not directed to him, therefore he was not obliged to take any notice of it. The Council urged that they might hear it read, for that they were strangers to the whole matter. The Governor wholly refused to acquaint them with it, saying it was not fit to be read at that Board, and many other expressions not becoming his post. I am afraid what I write can scarce be believed, it is so monstrous. I much fear this may be intercepted. *Signed*, Charles Walker. *Endorsed*, Recd. Read July 30th, 1700. 1¾ *pp. Copy.* [*Board of Trade.* Bermuda, 4. *No.* 30.]

June 6.

507. Deposition of Paul Walsh, Master, and James Butler super-cargo, of the *Cole and Bean* galley. At the trial of the said galley in Carolina, the Judge refused to admit evidence showing that she was owned solely by English subjects. *Signed*, Paul Walsh, Ja. Butler. *Endorsed*, Recd. 7, Read 14 June, 1700. ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 56.]

June 6.

508. Minutes of Council of New York. Various accounts referred to a Committee.

Petition of Hendrick and Dyrk Coursen read. Ordered that — Hooghlandt be served with a copy and summoned to appear before the Board.

30*l.* paid towards providing 400 wheelbarrows for fortifying Albany and Schenectady. [*Board of Trade.* New York, 72. *pp.* 319, 320.]

June 6. Boston.

509. Minutes of Council of Massachusetts Bay. The *Province* galley ordered to be sent eastward with supplies for trade with the Indians. Mr. Treasurer with the assistance of Major Walley and Capt. Southack to provide good suitable coats, shirts and hats for Noxis, the Sagamore at Kennebeck River, and for Bomatin and the other Indian now at Boston.

June 7.

His Excellency nominated and the Council appointed :—

John Walley to be a Justice of the Superior Court.

James Baily, John Wilson, John Clarke } Justices of the Peace for the County of Suffolk.

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John Hubbard, John Fisher, jun., Samuel Thaxter } Coroners.
Major James Converse, J.P. for Middlesex.
Major Thomas Noyes, Capt. John Legg, Capt. Nath. Norden } J.P.s for Essex.
Major Francis Wainwright, Coroner for Essex.
Joseph Hammond, Justice of the Inferior Court, County of York.
John Wheelwright, J.P., County of York.
Charles Frost, Register of Wills, County of York.
Joseph Hammond, junr., Coroner, County of York.
John Cushing, junr., J.P. and Justice of the Inferior Court, County of Plymouth.
Isaac Winslow, Elihu Brett } J.P.s, County of Plymouth.
Capt. Seth Arnold, Sheriff, County of Plymouth.
Nathaniel Thomas, junr., Joseph Otis } Coroners, County of Plymouth.
Capt. William Bassett, Register of Wills, County of Barnstable.
Shubal Smith, Capt. Samuel Freeman, Josias Thacker } Coroners, County of Barnstable.
Ebenezer Brenton, J.P., County of Bristol.
Pelatiah Glover, Coroner, County of Hampshire.
[*Board of Trade.* New England, 49. *pp.* 295–297.]

June 6. Boston. **516.** Minutes of Council in Assembly of Massachusetts Bay. Amended bills for the speedy assignment of dower, and the better regulating of prisons, and bill providing for posthumous children, were read and passed and sent down.

June 7. 7*l.* granted to Theophilus Farrington, who lost an eye in H.M. service against the French and Indian enemy, 1690.

Upon the petition of John Hathway, and other inhabitants in the South end of Taunton for a meeting-house and minister at the charge of the town, Deacon John Carey of Bristol, William Brett of Bridgewater, Samuel Peck of Rehoboth and Jacob Tompson of Middleborough were appointed as a Committee to enquire into the circumstances.

Upon the petition of Capt. William Whiting of Hartford, he was ordered to procure a surveyor to lay out the 1,000 acres of land granted to his father, the Rev. John Whiting, granted to him by the Governor and Company of the late Massachusetts Colony, 1684. These two orders were sent down to the Assembly for their concurrence.

Petition of inhabitants of Barwick, that they be made a township distinct from Kittery, referred to the next General Assembly.

Joint Committee of the two Houses appointed to consider methods to obviate the industry of the French Missionaries in debauching the Five Nations, and to bring again the Eastern Indians under the obedience of His Majesty.

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Petition of inhabitants of Wrentham, brought very low by reason of the late war and other distressing Providences of God, to be remitted the 20*l.* assessed upon them for the tax granted to His Majesty, 1696, sent up from the Representatives, was granted.

June 8. Upon the petition of Elisha Hutchinson, he was ordered to proeure a surveyor to lay out 300 acres of land granted by the General Court of the late Colony of Massachusetts Bay, 1674, to his father, Capt. Edward Hutchinson, who soon after lost his life in the country's service, and 300 acres in addition. This order and a petition of several Proprietors and former inhabitants of Casco Bay for a resettlement of that country were sent down to the Representatives.

The Committee, appointed to treat with the Commissioners of Connecticut Colony, reported that the credentials and powers of the Commissioners were ample and full. Their proposals were read at the Board and debated. [*Board of Trade.* New England, 49. *pp.* 348–352.]

June 7. Whitehall. **517**. Council of Trade and Plantations to the Earl of Jersey. Having understood by a letter from Governor Grey, that he and the Council of Barbados had fallen into the mistake, upon a clause in the Act for preventing frauds, etc., to believe that Scotchmen are not qualified to bear offiees in that Island, and that they had thereupon displaced all Scotchmen from being in the Commission of the Peace ; upon the Attorney and Solicitor General's report, we desire you would please to offer unto His Majesty our humble opinion that a letter be immediately writ to the Governor and Council of Barbados, enclosing a copy of the said report (May 11th), and directing that all Scotchmen put out of Commission upon that mistake be forthwith restored, and that no distinction be there made against the inhabitants of that Island, who are His Majesty's native-born subjects. *Signed*, Stamford, Lexington, Wm. Blathwayt, Jo. Locke, Abr. Hill, Geo. Stepney. [*Board of Trade.* Barbados, 45. *pp.* 65, 66.]

June 7. **518**. Journal of Council of Trade and Plantations. Letter from Mr. Grey, March 23, and papers relating to George Duncan, read. The report of the Attorney and Solicitor General, May 11, upon the qualification of Scotchmen to bear offices in the Plantations, was sent for and read, and a letter immediately writ to Lord Jersey with the opinion of this Board to be laid before His Majesty.

Capt. Long, who is lately arrived from Darien, acquainted the Board that he has given Mr. Secretary Vernon a Journal of his voyage, and promised to bring a copy of it. [*Board of Trade.* Journal, 13. *pp.* 63–65 ; *and* 97. *No.* 104.]

June 8. Admiralty Office. **519**. Mr. Burchett to William Popple. I understand from Capt. Caldwall, H.M.S. *Advice*, that she will be ready to sail to New England in a week's time at farthest. *Signed*, J. Burchett. *Endorsed*, Recd. 8th, Read 10th June, 1700. ¾ *p.* [*Board of Trade.* New York, 10. *No.* 4 ; *and* 54. *pp.* 228, 229.]

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June 10. Whitehall. **520.** William Popple to William Bird. The Council of Trade and Plantations desire proofs in writing as to the release of two ships seized by the French on the coast of Portudal, 1680 and 1681. [*Board of Trade.* Trade Papers, 15. *p.* 91.]

June 10. Carolina. **521.** Governor Blake to the Earl of Jersey. Some time since I enquired of you His Majesty's pleasure as to two pirates of Hind's company, that I had in my custody but had no evidence against them. Since which some persons are arrived here that had been plundered by them, so that I have brought them to their trial here. They are condemned to be executed two days hence. I have seven other pirates that now lie condemned, six of which are at the same time to suffer death, the other, who is the least guilty, I save to be executioner to the rest. I am sure nothing but examples of this nature will put a stop to those barbarous villainies, the sea now so abounding with them that a ship cannot stir for them in this part of the world : the pirate the seven did belong to had in three months' time taken 17 English vessels, and, upon a difference amongst themselves, turned those that we have condemned ashore on our coasts. They have watered in a river a little to the southward, and were got out to sea again before I could come up with them, it taking up some time to fit out two sloops as I did against them, having none in readiness. I beg your Lordship would address His Majesty to order one of his small frigates to attend this Government and the Bahamas, in order to the keeping this coast clear from pirates, for as it now is there doth hardly a ship come through the gulf or on our coast but is plundered. *Signed.* Joseph Blake. *Endorsed*, R. 21 August. 1 *p. Addressed and sealed.* [*America and West Indies.* S. Carolina, 620. *No.* 6.]

June 10. Charlestown. **522.** Governor Blake to Mr. Secretary Vernon. I have received H.M. Orders relating to the *Swallow* of London, George Harris, Commander, and have accordingly made satisfaction to Mr. Renewe, without taking commission from him, so that I hope that matter is now at an end. I have writ to the Earl of Jersey about a frigate to attend this Government, and humbly request you would be pleased to put his Lordship in mind of it. *Signed*, Joseph Blake. *Addressed and sealed.* ½ *p.* [*America and West Indies.* S. Carolina, 620. *No.* 7.]

June 10. On board H.M.S. *Shoreham*, without the Cape of Virginia. **523.** Governor Nicholson to the Council of Trade and Plantations. I thank God that by this opportunity of H.M.S. *Essex* prize, Capt. John Aldred, Commander, I send an account of a French pirate ship being taken, who had on board an hundred and odd men, and a list of the pirate-prisoners aboard several ships now, God willing, designed for England, as also of eight of them which died on shore and three which were condemned to be hanged, after which they broke prison, but were caught again and executed. I send an account by Capt. William Passenger, H.M.S. *Shoreham*, of taking the pirate, and I am in hopes that my being then on board was noways contrary to my

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duty, neither my being now on board and intending to go with the fleet 40 or 50 leagues off in hopes to convoy them safe from the coast, that being reekoned the distance within which the pirates cruize. I send a list of the fleet which I ordered Capt. Aldred to convoy to England; their sailing instructions; the receipt for the Captain of the Pirates, and one for a Dutchman and a New England boy, which are sent for England as evidences against the pirate, with the account of such men on board the *Essex* prize etc. which were on board the *Shoreham*. For it is humbly proposed that Capt. Aldred and the seven men may be evidences against the pirates, as also Joseph Man. In the Journal of Council your Lordships may see what the Council and myself did concerning Capt. Aldred convoying the fleet, and what orders we gave about getting provisions for the pirate prisoners, and the instructions given to Capt. Passenger and Lt. Col. Willson, and to the Masters for carrying the prisoners to England, with the reasons why they were put on shore out of H.M.S. *Shoreham*, etc. I hope in God the quarter I gave them is agreeable to His Majesty's commands of Nov. 10, '99. The reasons which induced me to do it are contained in the trial of the pirate-ship. I also hope my sending the pirates home for England will be so too. I enclose letters to and from Governor Blakiston concerning H.M. advice-boat *Messenger*, Capt. Peter Cood, by which your Lordships may please to see of what little service that ship will be, and by the Journal of Council what is done concerning Capt. Cood. But I am in hopes His Majesty will give orders that the *Shoreham* may have her full complement of men, which is most humbly requested, as you may see in the Journal of Council. For certainly we are in a state of war with the pirates, expecting them upon our coasts, and many be within the Capes all this summer. Those great rogues and enemies to all mankind are sensible of their condition if they be taken, which naturally makes them very desperate. I send the Minutes of Council, June 5, 1700, and hope what is done therein will be approved by your Lordships; but if otherways, which God forbid, I hope it will not be imputed to an error of my will, but understanding.

And your Lordships may please to see by all the Journals how few of H.M. Council come at one time, which makes it very difficult for me to dispatch His Majesty's affairs, where I am required to do them in Council, and therefore I beg your pardon for not by this opportunity transmitting particular answers to your letters of June 26 and 28, '99. I enclose a copy of two Acts about Attorneys, which I hope will answer your orders about that affair. And what you write concerning a house for His Majesty's Governor, I assure you it is not the 150*l.* per annum, which His Majesty is graciously pleased to allow me for the rent of a house, (being for want of a Governor's house one way or other it is more chargeable to me, but if it were not so and His Majesty should discontinue that allowance, I should only be so much poorer and less able to serve his Majesty) which hath been the cause that one is not already built. But as I have, so I will use all my

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endeavours to have a house built at Williamsburgh, in which place I took up some lots the last Fall, and have likewise agreed for 40 or 50 acres adjoining them. And when the Assembly meets, God willing, about the middle of September, I will endeavour to have it done. We are in hopes there will no orders come from England of doing it sooner, because betwixt this and then is the hottest season of the year, and the most busy and only time for the Planters making their tobaccos, and I thank God there's like to be a good crop of it, as likewise of Indian corn, the staff of this country, and of wheat. In the spring there was a mighty appearance that great damage would be done by the caterpillars, but it hath pleased God that they have not done very much, therefore to Him be the glory, and I thank God that we are all in peace and quietness, and I have not had an account of any murders that the Indians have done this year, either at the head of James River, or Potomoek, which they commonly perpetrated either in the spring or fall, if not in both ; so I hope there will be no more.

As to the revision of the Laws, I am heartily sorry you are not satisfied with the method which I took, but I assure you that all relating thereto was done with the advice and consent of the Council, as may be seen by the Journals enclosed. I have sent orders to Peter Beverly, Clerk, to get ready for your Lordships what they have done since. What you write, Jan. 4, concerning the revisal of the laws shall be observed, and I hope in God I shall meet with no such trouble here as I did in Maryland concerning the putting into a law things of a different nature from what is expressed in the title of it. But I have an account that in Maryland they have passed an Act for Religion, etc. without that clause of a different nature in it. I am heartily sorry that the laws, which I sent, were not under the seal as these are ; but I have another copy, which I hope, God willing, in a month or five weeks' time to have an opportunity of sending with a full and I hope satisfactory answer of all the rest of your commands. For when, please God, I return, I intend to have H.M. Council meet me at James' City in order thereunto.

I send the names of 15 gentlemen humbly recommended to be of the Council, and of those ten which are. *Enclosures described.* It is a very great satisfaction to me that you approve of what I did about having pirates and illegal traders tried in the Court of Admiralty. With humble submission, I think it will be almost impossible to prevent them in these parts of the world, except the Courts of Vice-Admiralty be well established, especially in the Charter and Propriety Governments, and they to be tried there. But I was extreme glad to hear that the L.G. of Providence had taken three or four very notorious pirates, had them tried and executed. I think there were no Courts of Vice-Admiralty in these parts in which illegal traders were tried, either in H.M. Governments or others, before His Majesty was pleased to appoint, pursuant to the Acts for preventing fraud, etc. And the Admiralty affairs were done in other very improper Courts. I am humbly of opinion that it will be prejudicial to His Majesty's interest

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in all respects, if such Courts be not established on the whole English Continent here; for the inhabitants, nay, may be the Governments, may in some years pretend custom, and then, when they are grown more powerful, it may be very difficult to get their ways altered. Such Courts will make them depend more upon old England both in point of Government and Trade. These parts, being trading Colonies, seem to want and require such a Court, in order to keep them within their bounds of dependance, and this time of pirates seems to be very favourable for the fully establishing the Courts, and at least to have them set up in each Province.

The Rt. Hon. William Pen hath three or four times favoured me with his letters, wherein he is pleased to write that he hath begun to reform matters there concerning pirates and illegal traders, and I hope that he will do it effectually. According to his desire, I have assured him that, what in me lies, I will assist him, tho' I will not pretend to give the ingenious etc. Mr. Pen any advice how to manage affairs. I think myself happy that you approve of my corresponding with their Excellencies the Earl of Bellomont and Col. Blakiston, which I hope in God I shall continue with them, as also Mr. Penn, for His Majesty's service. But I am apprehensive that His Majesty's service will not allow me meeting them this summer in Pennsylvania, for I am not willing to be far from the mouth of James River this summer, by reason of the pirates. And our Assembly being to meet, God willing, in September and the General Court in October, I shall not be able to go to Pennsylvania or New York till the beginning of November, at which time, if they please, God willing, I'll meet them, because I find your Lordships are willing we should be together. And tho' I will not pretend to the parts of any of them, yet I hope we shall endeavour in some measure to answer your expectations.

I enclose the proceedings of the General Court, Oct. '99, and April 1700, concerning Navigation Bonds etc. I humbly propose, if His Majesty remit the forfeiture of the old Navigation Bonds, either here or in Maryland, that a letter or order be sent to both Colonies, certifying that none for the future shall be forgiven, for unless such an order be sent, or some of the bonds be executed, the prosecuting of them will be esteemed only *ad terrorem*, for I am sensible that some take it so. Finding that few of the Collectors and Naval Officers had any body of Instructions, I, with the advice of the Council, gave them their Excellencies the Lords Justices their Instructions to me with some others, and hope you will not disapprove my so doing.

You write, Jan. 4, that I had done directly contrary to my Instructions in appointing the same person to execute both the Naval Office and that of Collector of the 2*s.* *per* hhd., as also to my own opinion, which I writ to you from Maryland, July 13, 1697. I am heartily sorry you do not approve, but what I have done here I hope is not repugnant to what I writ from Maryland. For in that letter the Collector was the person deputed by the Commissioners of H.M. Customs, and the Naval Officer the person appointed by the Governor, pursuant to the

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Acts of Trade, etc., and their places should be executed by two distinct persons, but the office that I have here joined to that of the Naval Officer is not that Collector, but the Receiver of the 2*s.* *per* hhd. and the Virginia duties, tho' sometimes called the Collector. And I did then and do now humbly offer that this officer and the Naval Officer be the same person. It is a very great satisfaction to me that you approve of what I have done concerning His Majesty's revenue, and I shall, God willing, endeavour to continue the same. The orders I have given Mr. Auditor Byrd concerning H.M. revenue of 2*s.* *per* hhd., as also of the quit-rents, may be seen in the Journals of Council. I shall not be wanting to use my interest with the Committee for revising the Laws, and afterwards with the Assembly concerning the improving of His Majesty's said revenue. I thank God that the quit-rents this year are sold for the full value, excepting one County. What directions you send concerning His Majesty's land on the south side of Blackwater Swamp and Pomunkey Neck shall be observed by me. I'm in hopes that this year, please God, there will come in a good many negroes, so that there may be money enough in a year or two to build a house for His Majesty's Governour, as also the Capitol. I am very glad you were satisfied with what I did about the bounds of North Carolina: your orders, Jan. 4, concerning North Carolina, shall, God willing, be observed by me. I enclose copies of letters to and from Joseph Blake, Governor of South Carolina, and hope my corresponding with him will not be disapproved by you, for I hope, as I design, it may be of service to His Majesty; and that he hath given you an account of the French their endeavouring to seat themselves upon the River Mesachippi, which I hope in God will be prevented. When the Council meets, what you write concerning the new trade with the Western Indians shall be laid before them, in order to give your Lordships a further account of that affair. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 18th, Read 31st July, 1700. 5¼ *large pp.* *Enclosed*,

523. i. List of 111 pirates sent from Virginia. *Signed*, Wm. Wilson. Hampton, June 8, 1700. 1 *large p.* *Endorsed*, Recd. 18 July, 1700.

523. ii. Capt. Passenger's account of the taking of a French pirate. Hearing from a merchant ship, on Sunday, April 28, at Kiquotan, news of a pirate in Lynnhaven Bay, that had taken some Virginiamen bound out of the Capes, I set sail, and the wind being contrary and night coming on, anchored about three leagues short of the pirate. About ten at night H.E. Francis Nicholson came on board with Capt. Aldred of the *Essex* prize and Peter Heyman, Esq., who remained on board during the whole action. At four next morning I came within half a mile of the pirate. He got under sail, with a design to get to windward and board us, and said "This is but a small fellow, we shall have him presently." I guessed his intention and

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kept to windward, fires one shot at him, he immediately hoists a Jack, ensign, with a broad pendent all red, and returned me thanks. So then the dispute began and continued till three in the afternoon, the major part of which time within pistol shot of one another. It was a fine top gallant gale of wind, and I sailing something better than the pirate, so that he could not get the wind of me to lay me on board, which was his design. After we had shot all his masts and rigging to shatters, unmounted several guns and hull almost beaten to pieces, and being very near the shore, he put his helm a-lee, so the ship came about, but he having no braces, bowlines nor sheets to haul his sails about, and we playing small shot and partrige so fast that all his men run into the hold, so the ship drove on shore with all her shattered sails aback. I let go my anchor in three fathoms of water, so he struck his ensign. I left off firing. They had laid a train to thirty barrels of powder and threatened to blow the ship up, so the English prisoners, that were on board, intereeded for one to swim on board of me to acquaint me of his design and desire they might have some promise of quarter, otherwise those resolute fellows would certainly blow up the ship. His Excellency the Governor being on board, in regard of so many prisoners that were His Majesty's subjects, thought fit to send them word under his hand and lesser seal they should be all referred to the King's mercy, with the proviso they would quietly yield themselves up prisoners of war. *Signed*, W. Passenger. *Subscribed*, Copy of quarter granted to Capt. Lewis [*Guittar*] of the *Laypaste* [? *La Paix*] Ap. 29, 1700. *Signed*, Fr. Nicholson. On board H.M.S. *Shoreham*. *The whole endorsed as preceding.* 1¾ *pp.*

523. iii. List of 57 ships designed for England under convoy of the *Essex* prize. June 9, 1700. 2 *large pp.*

523. iv., v., vi. Sailing and fighting instructions and orders for the above. *Signed*, Aldred. May 27 and June 5. *Essex* prize in James River. 5 *pp.*

523. vii. Certificate of William Hutchinson, mate, and seven of the crew of H.M.S. *Shoreham*, that they delivered the pirate captain, Lewis Guittar, on board the *George* of Plymouth, by order of Capt. Wm. Passenger, with His Excellency's Order in Council to require John Kern, the master, to receive him, which John Kern did deny. *Signed*, W. Hutchinson and seven others. *Countersigned*, W. Passenger. ¾ *p.*

523. viii. Receipt for two men, Abraham Circulus and Wm. Hund, to be taken to England as evidences against the pirates in the *Abraham* of London. *Signed*, Josh[a]. Cook. ¼ *p.*

523. ix. (1) Account of the men belonging to H.M.S. *Essex*

1700

prize, who were aboard of H.M.S. *Shoreham* the time of the engagement with the pirates. *Signed*, Aldred.

523. ix. (2) Copy of Minute of Council of Virginia, James City, May 22, 1700. *The whole*, 1 *p.*

523. x. Copy of proceedings of the Admiralty Court, Hampton Town, May 11–15th, 1700, at the trial and condemnation of the French ship, the *Peace*, which had piratically seized and robbed the *Baltimore* pink, John Loveday, master; the *George*, sloop, Joseph Forest, master; the *Pennsylvania Merchant*, Samuel Harrison, master; the *Indian King*, Edward Whitaker, master; and the *Nicholson*, Robert Lurting, master. *Endorsed*, Recd. 18th July, 1700. 11¼ *pp.*

523. xi. Memorandum of the trial and condemnation of three pirates belonging to the French pirate ship. May, 1700. ½ *p.*

523. xii. Copies of depositions of Edmund Ashfeild, Joseph Forest, Samuel Harris, Samuel Harrison, Samuel Blewit, Edward Grey, Rowland Thomas, Edward Whitaker, Samuel Crutchfeild, Baldwin Mathewes, William Woolgar, Peter Shaw, Francis Warrell, Joshua Atkinson, Joseph Bigger, Thomas Watt, John Webb, Andrew Davison, John Galt, John Calwel, Robert Lurtin, John Limpany, George Livingston, Joseph Mann, Jos. Wood, Thomas Mourry, Wyboard Solley, and other sailors and prisoners, as to piratical acts of the ship *La Paix*. *Same endorsement.* 22½ *pp.*

523. xiii. Copies of warrants, letters, etc., relating to the seizure of the pirate ship, *La Paix*, and the escape and recapture of the three pirate prisoners, John Hongling, of New York, Cornelius Franc, a Dutchman, and François Delaunee, a Frenchman. Ap. 28–May 25, 1700. *Same endorsement.* 26½ *pp.*

523. xiv. (1) Governor Nicholson to Governor Blakiston. James Town, May 4, 1700. Last night I returned from Kicotan, where on April 28 I had an account about pirates, and therefore thought fit to despatch some necessary orders to the Militia Officers, and Collectors and Naval Officers; and the Colonel or chief officers of Northumberland County I did empower to press a good boat and able men and send an account to any of His Majesty's officers, military or civil, in your Excellency's government, and an express to you, which I hope they did. There was but one pirate, and it has pleased God that he was taken. I will send you a particular account of Capt. Passenger's Journal, as also our resolves for H.M. service in Council. *Signed*, Fra. Nicholson. *Copy.* 1 *p.*

523. xiv. (2) Governor Nicholson to Governor Blakiston. James Town, May 9th, 1700. Our friend Mr. Benjamin Harrison will send you the proceedings of myself and Council. The Judge of the Admiralty and his officers

1700.

go down this day to Kicotan to try the pirates' ship. I have given a commission pursuant to an Act of Assembly about pirates, the same as in Maryland, in order to the trying of three of the pirates there. The rest I gave quarter to upon the account of saving 40 or 50 prisoners' lives. I send you a copy of a letter I had from Col. Scarburgh, one of H.M. Council, who lives on the Eastern shore, together with the deposition of one Fletcher, a master of a vessel, and copies of a letter from Mr. Harrison and of one to Capt. Passenger. H.M.S. *Shoreham* received so much damage in the engagement, and withal wants a new mainmast, that she is not yet ready, and the prize is so very much battered that she is not to be ventured out of the Capes, but he sent his lieutenant with his long boat and a boat or two more. This evening I design, God willing, towards Kicotan, in order, if there be any occasion, to go on board H.M.S. *Essex* prize, which Capt. Aldred hoped to have ready to sail by to-morrow. When the fleet sails thence, I design to go on board the *Shoreham* in order to convoy them 40 or 50 leagues. *Signed*, Fr. Nicholson. *Copy.* 1¼ *pp.*

523. xiv. (3) Governor Blakiston to Governor Nicholson. Maryland, May 11, 1700. I congratulate you on your success. Several considerable ships sailed hence not above four days ago : I hope Capt. Cood will overtake some of them in the Bay. I have given him orders to get his vessel in readiness and attend you, and to bring back an account whether it may be safe for the ships now here to depart. But in case you esteem it for His Majesty's service that he make some stay in Virginia, he is to follow your Excellency's orders. *Signed*, N. Blakiston. *Copy.* ¾ *p.*

523. xiv. (4) Copy of Governor Blakiston's instructions to Capt. Peter Cood, H.M. advice-boat *Messenger*, as above. May 12, 1700. ¾ *p.*

523. xiv. (5) Governor Nicholson to Governor Blakiston. James Town, May 18, 1700. I hope Capt. Cood will bring down your ships before the 30th, the day appointed for their sailing for England. *Signed*, Fr. Nicholson. *Copy.* ½ *p.*

523. xiv. (6) Governor Blakiston to Governor Nicholson. Maryland, 15th May, 1700. Maryland as well as myself is obliged to you for your favour in sending an express to prevent the ships in this Province running into the mouth of an enemy. To-morrow morning I will dispatch orders to the Collectors and Naval Officers to inform all ships going out of this Province to rendevouze, according to your Order of Council, which will be great safety to them to see them 40 or 50 leagues off the Capes, which in all moral probability is clear

1700.

of all danger; and if they will not embrace it, let it be at their own peril. You know what strange sort of people some of them are, rather than go a league out of their way, they will run any hazard. The wind has been against Capt. Cood ever since the 9th, till to-day. I hope he may be with you to-morrow night. The coast seems to be environed with pirates, but the reeeption your Excellency has given them will, I hope, deter them. I communicated your resolution in Council to the Council here, who conceived Capt. Cood of little advantage to cruize below. But he shall always be ready to attend you upon the least signification. There is no other impediment but his want of provision. He has not now above six weeks'. I moved it to the Council about supplying him, but His Majesty having no public revenues here, it was not to be done. If you can propose any way, I should be glad. He must be subsisted at least some way for a while, but the public here will not undertake it, so I must endeavour as well as I can to assist him till he has directions out of England. *Signed*, N. Blakiston. *Copy.* 1½ *pp.*

523. xiv. (7) Minute of Council of Maryland, Annapolis, May 4, 1700. 1¼ *pp. The whole endorsed*, Reed. 18th July, 1700.

523. xv. (1) (2) Copies of Instructions from the Lords of the Admiralty to Capt. Coode, H.M. advice-boat *Messenger*, Aug. 19 and Aug. 21, 1699. 3 *pp.*

523. xv. (3) Governor Blakiston to Governor Nicholson. Maryland, 1 Xber, 1699. Capt. Cood, H.M. spy-boat *Messenger*, arrived here on Saturday. It was a miracle of Providence she ever got within the Capes, she is so small and low. I enclose a copy of his orders, by which you are also concerned in the conduct of her, and if at any time you would have her come down to Virginia, she shall attend you, upon the least intimation. There is not a moneth or two at most in the year that she can go out of the Capes to have the prospect of coming in again. *Signed*, N. Blakiston. ¾ *p. Enclosed*,

523. xv. (4) Capt. Coode to Gov. Nieholson, reporting his arrival. Annapolis, Dec. 1, 1699. *Signed*, P. Coode. ½ *p.*

523. xv. (5) Minutes of Council of Virginia, Dec. 19, 1699, and Feb. 22, 1700, concerning the movements of the *Messenger*. 1 *p.*

523. xv. (6) Copy of Instructions of the Admiralty to Capt. Wm. Passenger, H.M.S. *Shoreham*, Nov. 6, 1699. You are to land Col. Fox at Nevis, to proceed to Jamaica, and, having delivered to Rear Admiral Benbow the packet which directs his returning to England, you are then to make the best of your way

1700.

to Virginia, to follow such orders as you shall receive from the Governor thereof, for the security and defence of that Colony, or from the Governor of Maryland, etc. *Signed*, J. Bridgwater, Geo. Churchill, G. Rooke. *Countersigned*, J. Burchett. 2 *pp.*

523. xv. (7) Governor Nicholson to Capt. Passenger, directing him to impress nine men, cruize in Cheseapeak Bay, and provide for the victualling of his ship from England. *Copy.* 2 *pp.*

523. xv. (8) Minute of Council of Virginia, Ap. 17, 1700, providing for the purchase of Joshua Brodbent's sloop as a tender for the *Shoreham*. 1 *p.*

523. xv. (9) Capt. Passenger to Gov. Nicholson. Kikotan, James River, Ap. 23, 1700. The sloop proposed to be purchased is very old and rotten.

523. xv. (10) Minute of Council of Virginia, Ap. 24, 1700, directing Capt. Passenger to make enquiry for another sloop. 1 *p.*

523. xv. (11) Governor Nicholson to Capt. Passenger. Last night William Clay, master of the *Endeavour* of South Carolina, who is arrived in York River, told me that Capt. Breholt, commander of the *Carlisle*, 36 guns and 120 men, who had been tried for piracy in South Carolina some time before and acquitted, sailed out of Ashley River about March 26, came to an anchor without the bar, landed on Sallevard's [? Sullivan's] Island, and there killed a great many cows, hogs and goats, the best of which they carried on board. He told Capt. Clay he designed either to sail for Smith's Island in Virginia, to get more provisions, or else to Cape de Verd. I have no doubt you will put H.M.S. *Shoreham* in a condition to cruise as soon as possible, and hope you may take this Capt. Breholt. *Signed*, Fr. Nicholson. *Copy.* 1 *p.*

523. xv. (12) Gov. Nicholson to Capt. Passenger, ¾ *p.*, enclosing,

523. xv. (13) Instructions concerning H.M. ships of war, communicated by the Council of Trade and Plantations, June 26, '99. 1¼ *pp.*

523. xv. (14) Capt. Passenger to [? Gov. Nicholson]. James River, April 25, 1700. I cannot omit giving you an account of the many threats of the law and other scurrilous language I met with by executing your warrant and taking one man out of fifteen from the *Canterbury*, by one Tregenny, master, who said he valued not your order, there was no law for pressing, and if the ship came to damage he would lay it to my charge. I know not but this young uppish spark, fitter for a school than a master of a ship, may wilfully or through ignorance run her ashore, and I shall be liable to be laid in jail for it when I come to England. For I know a precedent. The Captain of the *Deptford*

1700.

for impressing men in Barbados, with a warrant from the Lord High Admiral of England and express orders from the Admiralty, the master laid up his ship at Barbados, and they prosecuted Capt. Wayes at common law, and, if cast, he must expect to die in a jail for the damage. I doubt not but your Excellency will protect me. The *Canterbury* is here, but expecting to sail in a day or two. *Signed*, Will^m. Passenger. *Copy.* 1 *p.*

523. xv. (15) Capt. Passenger to [? Governor Nicholson] Off Raven Bay, May 20. I have information from Thomas Young, formerly belonging to the *George* sloop, Joseph Forest, master, that she is an illegal trader, since she belongs to the old Spaniard that's on board. I have siezed her, till they can make appear to the contrary. *Signed*, Wm. Passenger. *Copy.* ¾ *p.*

523. xv. (16) Copy of receipt for papers and warrants, etc., from Governor Nicholson. Jamestown. April 17th. 1700. *Signed*, Wm. Passenger. *The whole endorsed as preceding.*

523. xvi. Memorandum of proceedings relating to the *Essex* prize, Dec. 10, 1698–Feb. 25, 1699, and to pirates, 1699. ¼ *p.*

523. xvii. Memorandum of Journal of proceedings of the *Essex* prize, Dec. 12, 1698–April 9, 1700. ¼ *p.*

523. xviii. Memorandum of Minutes of Council of Virginia, June 5, 1700. ¼ *p.*

523. xix. Copy of an Act for ascertaining Attorney's fees (1680) and an Act repealing it. Copy of Lord Effingham's proclamation repealing the latter and four other Acts, June, 1684. Copy of protest of the House of Burgesses of Virginia and Lord Effingham's reply. Copy of Order of Council, Sep. 9, 1689. Copy of Governor Nicholson's proclamation, July 26, 1690, repealing the Act of 1680 revived by the repeal of the Act of 1684. 7 *pp. Same endorsement.*

523. xx. Memorandum of Minutes of Council of Virginia, Ap. 15–June 8, 1699. ¼ *p.*

523. xxi. Memorandum of Journal of Assembly, Ap. 27–June 8, 1699. ¼ *p.*

523. xxii. Memorandum of Journal of Burgesses, Ap. 27–June 8, 1699. ¼ *p.*

523. xxiii. Memorandum of Acts of Assembly, Ap. 27–June 8, 1699. ¼ *p.*

523. xxiv. Memorandum of Journal of Committee to revise the Laws, July 5–Nov. 11, 1699. ¼ *p.*

523. xxv. Memorandum of directions of above Committee ¼ *p.*

523. xxvi. Members of Council of Virginia. Richard Lee, lives upon Potomock River, about eighty miles from Williamsburgh, and has petitioned to be excused from

1700.

serving; William Byrd, H.M. Auditor of Virginia, lives in the Freshes, north of James River, about forty miles from Williamsburgh; Edward Hill, Judge of the Admiralty Court, lives seven miles higher up the river; Charles Scarborough, lives in Accomack, and has twenty leagues to come down the bay, etc.; Daniel Park went for England, 1697; John Lightfoot lives about 40 miles from Williamsburgh; Matthew Page lives north of York River; Benjamin Harrison lives about 25 miles above James Town. *Signed*, Fr. Nicholson.

Names of fifteen gentlemen recommended for H.M. Council of Virginia. Lewis Burwell, Robert Carter, William Leigh, John Custis, William Willson, Lawrence Smith, Miles Cary, Philip Ludwell, William Randolph, Joseph Ring, William Churchill, William Fitzhugh, William Bassett, James Ranson, John Lewis. *The distance each lived from Williamsburgh described. Signed*, Fr. Nicholson. Ralph Wormley, Secretary of Virginia, hath never been at Council nor General Court since my Government. *Memorandum inscribed:*— Messrs. Carter, Custis, and Burwell have been appointed Councillors. 2 *pp. Same endorsement.*

523. xxvii. Copy of petition of Richard Lee to be excused further attendance at the Council of Virginia, Oct. 26, 1699. 1 *p.*

523. xxviii. Memorandum of Minutes of Council of Virginia, Ap. 17–May 23, 1700. ¼ *p.*

523. xxix. Memorandum of Minutes of Council of Virginia, Feb. 22–Ap. 6, 1700. ¼ *p.*

523. xxx. Memorandum of Minutes of Council of Virginia, Dec. 19, 20, 1699. ¼ *p.*

523. xxxi. Memorandum of Minutes of Council of Virginia, Aug. 3–Nov. 16, 1699. ¼ *p.*

523. xxxii. Memorandum of Minutes of Council of Virginia, June 21, 22, 1699. ¼ *p.*

523. xxxiii. Memorandum of Minutes of Council of Virginia. Feb. 23–25, $169\frac{8}{9}$. ¼ *p.*

523. xxxiv. Inventory of stores in H.M.S. *Swift*, March 30, 1699. *Copy.* 3 *pp. Endorsed*, Recd. 18th July, 1700.

523. xxxv. Copy of trial in the Admiralty Court between some seamen and John Neale, master of the *Mary Anne* of Plymouth. James City, Feb. 22, $169\frac{8}{9}$. 3¾ *pp. Same endorsement.*

523. xxxvi. Trial of the *Jane* of Dublin, William Thornton, master, for illegal trading. Court of Admiralty, James City, Ap. 20, 1700. Her register and certificates appearing good, the ship was discharged from the seizure made by Peter Hack, Dep. Collector of Lower Potomock. *Copy.* 4½ *pp. Same endorsement.*

523. xxxvii. Trial and condemnation of the *Providence* of Dublin, John Hamelton, master, for importing goods

1700.

direct from Ireland without cocquets. Court of Admiralty, Middlesex County, July 12–Oct. 9, 1699. *Copy.* 9¾ *pp.*

523. xxxviii. Abstract of proceedings of the General Court, Oct. 16, '99, relating to Navigation Bonds. *Signed*, C. C. Thacker and Bath. Fowler. Jan. 13, 1700. 1½ *pp.*

523. xxxix. Abstract of same. April, 1700. 1½ *pp. Endorsed*, Recd. 18 July, 1700.

523. xl. Copy of Instructions of the Lords Justices to Governor Nicholson, Sept. 30, 1698, relating to trade, and of his Instructions to Collectors, Naval Officers, etc., thereupon. 23 *pp. Same endorsement.*

523. xli. Account of articles delivered to the Collectors and Naval Officers, June, 1699, and their receipts. 5¼ *pp. Same endorsement.*

523. xlii. Criticism of the Act against importing bulk tobacco into England, 10 and 11 William. *Signed*, B. Harrison, June 3, 1700. 2½ *pp. Same endorsement.*

523. xliii. Memorandum of Collectors' and Naval Officers' lists of ships, March 25, 1698–May 20, 1700. ¼ *p.*

523. xliv. Attorney General of Virginia to Governor Nicholson. I am of opinion that Robert Bayley, master of the *Lion* of Bristol, by sailing without paying His Majesty's 2*s.* per hhd. has forfeited his entry bond, and by sailing in spite of the embargo laid by your Excellency upon all vessels to stay for convoy on account of the immediate danger of pirates, has committed high contempt of H.M. Government. *Signed*, Barth. Fowler. May 31, 1700.

523. xlv. Memorandum of Mr. Byrd's account of 2*s. per* hhd. for four months ending Ap. 25, 1700. ¼ *p.*

523. xlvi. Memorandum of Mr. Byrd's account of 2*s. per* hhd. for half year ending Dec. 24, 1699. ¼ *p.*

523. xlvii. Memorandum of Mr. Byrd's account of quit-rents for the year 1699, and of Patents passed June 6, 1699–Ap. 24, 1700. ¼ *p.*

523. xlviii. Memorandum of Mr. Carter's account of liquors, servants and slaves, 1700. ¼ *p.*

523. xlix. Memorandum of H.M. duty of one shilling *per* hhd. of tobacco exported out of Maryland, March 29, 1697–Nov. 15, 1698. ¼ *p.*

523. l. Memorandum of account of the Country Duty, arising on the Western Shore in Maryland, 1697, 1698. ¼ *p.*

523. li. Copies of proclamations, commissions, etc., for the examination of claims to public lands. June 21–Oct. 26, 1699.

Copies of warrants to empanel, and of a dedimus to swear a jury to value the land appropriated for the Capitoll and City of Williamsburgh.

Copy of the valuation of the land at Middle Plantation for the Capitol and City of Williamsburgh. The proprietors are to receive 20*s.* per acre. *Signed*, Joseph

1700.

Ring, foreman, Warwick Mohun, Robert Read, Alex. Walker, Jeremiah Laundey, Lawrence Smith, jun., John Hockaday, Wm. Browne, Peter Crutchfeild, Wm. Pinkethman, John Frayser, Alex. Walker, jun. Sep. 8, 1699.

Copies of warrants for the execution of Samuel Bray, tailor, for the murder of his wife, and of Peter Indian for the murder of John Crostick. James City. Oct. 26, 1699.

Copy of Commission of Miles Cary as Surveyor General of Virginia, Feb. 25, 1699.

Copy of Dedimus to swear John Custis, Naval Officer, Oct. 26, 1699.

Copy of Dedimus for administering oaths.

Copy of Sheriffs' Commission.

List of Sheriffs appointed 1700; Henrico County, Francis Epps; Charles City, Littlebury Epps; Surrey County, Wm. Brown, jun.; Isle of Wight, Arthur Smith; Nansemond County, George Norsworthy; Norfolk, Richard Church; Princess Anne County, Wm. Cornex; Elizabeth City, Walter Bayley; Warwick County, Thomas Merry; York, Henry Tyler; James City, Thomas Cowles; New Kent, Nicholas Meriwether; King and Queen, John Walker; Gloucester, James Ransone; Middlesex, Robert Dudley; Essex, James Boughan; Richmond, Sml. Peachey; Lancaster, William Ball; Northumberland, Charles Lee; Westmorland, Willoughby Allerton; Stafford, Richd. Fossaker; Accomack, George Nicholas Hack; Northampton, John Robbins.

Copy of Dedimus for swearing the new Sherriffs, Ap. 6, 1700.

Copy of Commission for Wm. Bassett to be capt. and lieut. col. of the Virginia troop in New Kent County. Other officers of the troop:—Francis Burnell, lieut. and major; Nicholas Meriwether, cornet and captain; John King, guidon and captain; Henry Chiles, quartermaster and lieut.; William Harman, David Anderson, John Breeding, brigadiers and lieutenants; Richard Allen, William Lacey, John Parkes, junr.; sub-brigadiers and cornets. Feb. 23, 1700.

Copy of Commission for pilots.

Copy of a commission of Oyer and Terminer for the trial of James, an Indian slave, for murdering his master, Thomas Bage, in Surrey County, March 5, $\frac{1699}{1700}$.

Copies of the trial, condemnation and warrant for the execution of Jamey (John Ide), April 24, 1700.

Copy of an escheat patent of land in Henrico County, granted to Wm. Randolph, May 7, 1700.

Copy of a warrant for collecting quit-rents. *Same endorsement. The whole, with abstract, 30 pp.*

523. lii. Copies of Proclamations, July 12, 1699–May 23, 1700.

(1) Giving notice of the sitting of the Committee to revise

1700.

the laws and inspect the building of the Capitol. July 12, 1699.

(2) Proroguing the General Assembly to March 15, 1700. Oct. 17, 1699.

(3) For the apprehension of Edward Buckmaster, Gilham and other notorious pirates. Oct. 26, 1699.

(4) Giving notice that the General Assembly and General Courts held after May 10, 1700, will be held at the City of Williamsburgh. Oct. 26, 1699.

(5) Prohibiting the entertainment or employment of strange Indians without licence from the Governor. Oct. 26, 1699.

(6) Forbidding the killing of whales within the Bay of Chesapeake, because of the great inconvenience arising to the inhabitants therefrom. Oct. 26, 1699.

(7) Enforcing the execution of penal laws, etc. Dec. 19, 1699.

(8) Giving notice of the precise days of hearing causes at the General Court. Dec. 19, 1699.

(9) For the apprehension of pirates and privateers. Dec. 20, 1699.

(10) Proroguing the General Assembly to May 8, 1700. Feb. 22, $\frac{1699}{1700}$.

(11) For the apprehension of pirates and privateers with their goods. March 18, 1699 (1700).

(12) Appointing a day of fasting and general humiliation. April 6, 1700.

(13) Proroguing the General Assembly to July 31, 1700. April 6, 1700.

(14) For the apprehension of seamen suspected of piracy, and prohibiting the entertainment of straggling seamen. May 22, 1700.

(15) For securing flotsam and jetsam, waifs and strays, etc. *All signed*, Fr. Nicholson. *The whole endorsed as preceding.* 19½ *pp.*

523. liii. (1) Correspondence with the Dep. Governor of North Carolina :—Governor Walker to Governor Nicholson. July 28, 1699. The continual sickness of Thomas Harvey, late Dep. Governor, of which he died July 3rd, letted him from answering your Exeellency. The Council acknowledges your kindness in putting forward the business of the bounds between the Governments. We shall not fail to give the Lords Proprietors a full account of it. A very great hardship hath been lately put upon an officer of this Government in Princess Ann County by one Maclenahan of that place. Some years ago Maclenahan commenced suit in this Government against one Fullwood, then waived his suit and obtained an attachment from a Magistrate in the above said county, and procured the undersherrif to come to Crow Island in this Government and

1700

attach the goods of Fullwood. Whereupon the Deputy-Marshal, Wm. Bray, was commanded to rescue them, being within the jurisdiction of this Government, which he did, and took into custody the said Deputy-Sheriff till he gave bond for his appearance, etc., which bond was readily discharged upon application made to this Government by Capt. Cork, High Sherrif of Princess Ann County. And it was upon this occasion that Sir Edmund Andros raised the dispute about the bounds of the Governments, which we hope you will see happily ended. Now Wm. Bray complains that, being lately in Princess Ann County, he was arrested at the suit of Maclenahan for the rescue he made within the jurisdiction and by command of this Government, and was compelled to find surety for his appearance. I offer this matter to your Excellency's consideration, hoping you will grant him relief. *Signed*, Henderson Walker. *P.S.*—I am further informed that some of the Magistrates of Princess Ann County discourse as if we had no further than a copy of the Patent, and that it was no confirmation; which we believe causes this breach. I desire you to signify to them what your Excellency hath seen of the Patent. I am well satisfied in my own thoughts that Virginia in after ages will be bound to return thanks to the Almighty for those generous designs of which you have been the only promoter. *Copy.* 1¼ *pp.*

523. liii. (2) Attorney General to Governor Nicholson. James Town, Aug. 17, 1699. Bray being arrested for a rescue committed in Crow Island, pretended to be in the Government of North Carolina, but alleged by Maclenahan to be in the Colony of Virginia, and the difference appearing to arise from the unsettlement of the bounds, I am of opinion he may plead the special matter either to the jurisdiction of the Court or in justification, upon which the trial of the cause ought to be deferred till the bounds are known. *Signed*, Barth. Fowler. *Copy. Referred to the Justices of Princess Ann County*, Aug. 22, 1699.

523. liii. (3) *Memorandum.* The charter shown to me (Gov. Nicholson) and Council was an exemplification of the charter granted by King Charles II, which is taken by us to be an authentick one. It is upon record in the Secretary's Office, where any persons may see or have a copy of it.

523. liii. (4) Barth. Fowler to the Dep. Governor of North Carolina. Aug. 27, 1699. His Excellency, being much indisposed with a feaver, commands me to acquaint you that he has taken care to do what in him lies to redress the grievances complained of by your Government (*as above*). His Excellency has heard nothing of Madam Smith's negroes, supposed to be run away

1700.

and harbored in your Government, which he expected he should before this. Several servants and slaves are daily running hence into your Government, and there are concealed, which he hopes you will take care to prevent by a proclamation to that purpose, or such other method as you shall judge most expedient. *Copy.* ½ *p.*

523. liii. (5) Deputy Governor of North Carolina to Governor Nicholson. Oct. 10, 1699. As to the runaways, neither our laws nor practice deserves such an imputation of evil neighbourhood. There are none harbored here, nor shall any such thing be suffered. We have, besides our statutes against vagrants, a particular law that enjoins all persons on a penalty to apprehend runaway negroes and prohibits the harboring of them on the penalty of 10*s.* every night over and above all damage that can be proved, and I purpose to recommend it to the next Assembly if anything may be done more effectually. Not long ago information was made to me and the Council that one Grande at the Sand-banks had entertained some persons suspected to be run away from Esq. Corbin, for which he now stands bound over to the next General Court. I thankfully accept of your Excellency papers of public news by Col. Quary and congratulate you upon your recovery, etc. *Signed*, Henderson Walker. *Copy* 1 *p.*

523. liii. (6) Governor Nicholson to Governor Walker. James City, November 8, '99. I enclose the report of the Justices of Princess Ann County. If you expect that there should be a suspension of the prosecution of that affair, H.M. Council and myself are of the opinion that Wm. Bray ought to give security to answer Maclenahan's suit, in case Crow Island be found within H.M. Colony and Dominion of Virginia. I have written to H.M. Secretary of State and the Council of Trade and Plantations about the bounds, as I promised you when you was here, and hope some time this winter to receive His Majesty's commands concerning that affair. I suppose that you have written to the Lords Proprietors about it and particularly about the Governor's being qualified according to the Act. You must give me leave to say that unless your laws against vagrants and runaways be vigorously put in execution, I fear they will not signify much. I am sorry not to hear anything of the negroes that ran away from Madam Smith. I told Mr. Corbin to write and return you thanks. If such fellows as Grandee be but made examples of, I suppose it will be one of the properest ways to prevent such clandestine dealings. I send you copies of letters I have received about pirates, and of my proclamation for their apprehension; I believe

1700.

it may be for H.M. service if you please to issue out one in your Government. That great rogue Kidd I hear is in Boston Jail. Col. Edw. Hill, of H.M. Counell here, is appointed by the Lords of the Admiralty to be Judge of the Admiralty both for Virginia and North Carolina. This is designed by one Mr. Joseph Harwood, who is sent by Col. Edmd. Jennings, one of the Counell, to look after one David Ross, a carpenter lately run away from him, as also Thomas Roberts, a Welchman, who ran away from the Rev. John Bernard. I desire you would please to order all lawful assistance to be given to him. *Signed*, Fr. Nicholson. *P.S.*—I am very sorry to hear that those Indians which murdered the people and stole the goods are like to come off without being brought to condign punishment; and that it may not be an ill precedent to the Indians in these parts, and encourage them to do the like, is the hearty wishes of F. N. *Copy.* 1½ *pp.*

523. liii. (7) Copy of report of the Justices of Princess Ann County, Col. Anthony Lawson, Ben. Burrough, Henry Woodhouse, Robert Thorowgood. Oct. 12, 1699. Nathaniel Macklenahan *v.* Wm. Bray. We find that Crow Island is included in a patent of land granted to Mr. Patrick White in this Government, Ap. 20, 1682, and hath ever since been accounted and held in this County, and for which hath been paid quit-rents to the Collectors of this County. An owner thereof, who bought the same of White, was arrested by an under-sherrif of Lower Norfolk County, Thomas Hall, and submitted and gave security to the said officer.

523. liii. (8) Dep. Governor Walker to Governor Nicholson. North Carolina, Nov. 18, 1699. I will give notice of your opinion to Mr. Bray, that he may comply therewith. I return your Excellency hearty thanks for endeavouring to obtain His Majesty's commands concerning the bounds. We have not been wanting in our endeavours to procure both direction and authority for proceeding in that affair. I hope you are of opinion that it is not our purpose to countenance the harbouring of runaways, but to punish it with the utmost severity, and I crave leave to intimate that there must needs have been as great neglect amongst the people in Virginia as ever hath been here, otherwise such runaways could not pass so far, for few or none are taken here, or supposed to pass by, but what travel much farther through Virginia than the whole extent of this Government comes to. It was wholly my forgetfulness if I did not before acquaint you that I have made as strict an enquiry as possible concerning Madam Smith's negroes, and assure you they are not in this Government, nor any other that can be

1700.

expected to be run away; except one of Esq. Corbin's, who lieth here sick, reports that three of his companions are dead to the southward, and one negro more in the Marshal's custody, who was imported here in a sloop. He has been in England and pretends that he there served the Earl of Craven, and that he came to New England a freeman. We have sent to the Northern Government whence he came, but as yet have not heard from his master. Concerning the Indians, it's very true that such report was made to us that we all generally did believe that those unhappy people were destroyed by them, and with the advice of the Assembly I sent the Honble. Daniel Akehurst to enquire of the truth thereof, and with him Capt. Thomas Blount, who was a very great sharer in that loss and was as strongly persuaded as any man that the people in the canoe were indeed murdered. They reported that all the Indians, that could be suspected, freely surrendered, and gave so particular account of the matter that they could see no cause to fix it upon any of them. They were fully satisfied the canoe was lost by extremity of wind and sea. I have published a proclamation for apprehending pirates. *Signed*, Henderson Walker. *Copy.* 1¼ *pp.*

523. liii. (9) Governor Nicholson to Governor Walker. James Town, May 26, 1700. I send you the copy of what I have received from Capt. Passenger. Three of the pirates taken by him were condemned to be hanged in Princess Ann County, but have escaped. I have sent my warrant for their apprehension to each county in this Colony and have ordered the Sherrifs of Princess Ann, Norfolk and Nanjemum [*Nansemund*] to send each of them one to the next Magistrate in your Government. I desire that you would give orders for the apprehending of these pirates, and I promise the same reward to any person who shall take them in your Government as if they should be taken here. Being that you write that you and your Council are obliged to me for communictaing His Majesty's commands to you, and that you should at any time be glad to be informed of His Majesty's pleasure that you may render obedience, I send you a copy of His Majesty's letter, that of the Council of Trade and of Lord Bellomont, to me concerning pirates, and my proclamation thereupon; also a copy of the Lords Justices' commands concerning the officers of the Admiralty and Customs. *Signed*, Fr. Nicholson. *P.S.*—I have thought it absolutely necessary to issue out a proclamation for apprehending seamen, etc., suspected of piracy, etc., and another concerning flotsam and jetsam, etc., of which I enclose copies and desire you would give the people in your Government notice; and I hope you will give

1700.

suitable directions for apprehending seamen suspected of piracy, etc. The fleet and convoy is designed to sail from Kikotan on June 5. *Signed*, F. N. *Copy.* 1 *p. The whole endorsed as preceding.*

523. liv. (1) Extract of a letter from Governor Nicholson to Joseph Blake, Governor of South Carolina. James Town. Sept. 25, '99. One Capt. Cole has acquainted me that you told him you did believe that you had so much interest with the Indians to the southard of you, that you could hinder the French from settling the River Meschasippi; which I was extremely glad to hear of; for if, please God, they should seal that river, it would be a very great prejudice to the Crown of England in respect of these countries. If there be anything in this affair, I believe it may be very much for your interest that His Majesty be acquainted with it by his Secretary of State and the Council for Trade and Plantations, by sending of them a scheme of the design, but it must be as full and clear as possible with a map. Your Indian traders' accounts would be better taken upon oath. If you have no mind to write to them, I will transmit your account. 1 *p.*

523. liv. (2) Extract of letter from Governor Blake to Governor Nicholson. Charles Town. Feb. 23, 1699. (1700.) I shall be very willing to follow your good advice. As soon as the traders I have abroad return, I intend to draw a scheme for the preventing the French settling the Mechasippi and shall send it home for consideration.

523. liv. (3) Extract of letter from same to same. April 10, 1700. I have as yet no return of my white men from the Meschasippi.

523. liv. (4) Governor Nicholson to Governor Blake. James City. May 24, 1700. I hope your white men have returned long before this, and that you had a perfect account from them about the French settlement on the Meschasippi and that you will be very particular in your account of that affair. *Signed*, Fr. Nicholson. *Copy.*

523. liv. (5) Account given to Governor Nicholson by Capt. Cole, *Friends' Adventure*, arrived in James River, April 14, 1700, from South Carolina. March 4 last came in an Indian Trader to South Carolina from the River Meschasippi, who reports that on Jan. 24th last he saw seven French men-of-war in the mouth of that river, but the other Indians raised 1,100 men and fell upon the Nation, which had joined with the French, and cut most of them off. They took a French priest, whom they afterwards released, and sold the children of the Nation to him, whereof he brought 36 to Carolina. Capt. Breholt in the *Carlisle* arrived at South Carolina about December; his men swore piracy against

1700.

him, but he was tried and acquitted. The charge was, that near the Bay of Mattanses, Cuba, he sent his boats after a Spanish sloop to get a pilot to conduct him to a wreck that lies near the Havana. The Spaniards, perceiving the boats coming, ran the sloop ashore and left her. His men, finding no man there, took away some few candles, pork and tobacco. Capt. Breholt, displeased at their conduct, took the things into his custody, upon which his men swore piracy against him. After his discharge, he fitted his ship, and at Capt. Cole's coming away, March 14, was ready to sail with 100 men, whither bound is not known, only supposed upon no good design. He stands in defiance of the Governmcnt there, and scarce can be brought to pay any of his debts. On the 15th the *Roanoke Merchant* of Pennsylvania arrived in James River and reported that the bar of Roanoke, which last October had twelve foot water, has not now eight foot, so that Capt. Cole, who was bound thither, could not get in. *Signed*, Fr. Nicholson. 1¼ *pp. Copy.*

523. liv. (6) Account given to Governor Nicholson by William Clay, master of the brigantine *Endeavour* of South Carolina, who sailed from Ashley River, April 17. About April 1, Anthony Dodsworth and Tho. Welsh, two Indian traders, came to Charlestown from the Chicorsares, who live about 1,000 miles W.S.W. of Charlestown, who report that the French are gone up the River del Spirito Santo, *alias* Meschasippi, as far as the French factory which is upon one of the branches of the said river, whence the Indians say 'tis but two short miles to hale a boat overland to one of the lakes that fall into the River Canada. These traders report that two friers, and about nine men were left on an island in the mouth of the river, where the French have built a small fort mounted with six guns. Capt. Clay's account of Capt. Breholt, as above (xv. 11). *Copy.* 1 *p. The whole endorsed as preceding.*

523. lv. News sent from New York to Governor Nicholson. May 20, 1700. On Thursday a sloop arrived from Caledonia and reports the ruin of that settlement. The Scotch were attacked by 15 sail of Spanish ships, two of 60 guns each, and by an army by land. Capt. Campbell, who is here with 200 Scots, fought a party of 500 Spaniards, and after a hot dispute made them retreat with the loss of 200 men. The Scotch lost 98 out of their 200, but before Capt. Campbell and his party returned to their garrison, all was surrendered to the Spaniards upon articles, and all the Scotch are gone to Jamaica, and other places, and left the Spaniards in possession. Major Mackay, striking at a shark in sight of Caledonia, fell overboard and was drowned. My Lord is expected the beginning of July: our

1700.

Assembly is prorogued until July 16. *Copy.* 1 *p. Signed*, Fr. Nicholson. *Same endorsement.*

523. lvi. Abstract of Governor Nicholson's letter. *With marginal notes for reply.* 5½ *pp.*

523. lvii. Copy of Journal of the Committee appointed to revise the Laws, July 5–Nov. 11, 1699. 15½ *pp. Same endorsement.*

523. lviii. Account of proceedings relating to H.M.S. *Essex* prize, Dec. 10, 1698–Feb. 25, 1699 (1700), and pirates, 1699. 111 *pp. Same endorsement.*

523. lix. Log of the *Essex* prize. Dec. 12, 1698–Ap. 9, 1700. *Signed*, Aldred. *Same endorsement.* 47 *pp.*

523. lx. Copy of the trial and condemnation of John Hougling, Cornelius Franc and François Delaunée for piracy. Elizabeth City. May 14–17, 1700. *Same endorsement.* 104 *pp.* [*Board of Trade.* Virginia, 8. *Nos.* 9, 10, 10.i.–lv.; *and* (*without enclosures*) 38. *pp.* 1–21; *and* (Nos. lvii–lx. *only*) 52. *pp.* 488–503, 554–827.]

June 10. **524.** Journal of Council of Trade and Plantations. Order of Council, June 6, upon Capt. Hasket's new petition, read. Directions given for a Representation upon the whole matter.

Letter from Mr. Burchett, June 8, read. Ordered that Mr. Champante have notice to get all things, that he is to send, ready. In answer to Mr. Burchett's letter, May 28, ordered that he be referred to the Order in Council upon the late Representation about Passes. Upon consideration of Lord Jersey's letter, May 27th, directions given for a Representation to be prepared relating to Lord Bellomont's salaries.

Order of Council, May 9th, about the *Mary*, read.

June 11. Mr. Champante was directed to speak with Mr. Burchett, in order to putting the things for New York aboard H.M.S. *Advice.*

Letter from Mr. Randolph, Bermuda, Feb. 23, read.

Letter from Mr. Spofferth, Bermuda, April 10, read; and the maps of Curassaw and the Bermuda Islands, therein mentioned, were laid before the Board.

Mr. Thomas Burton, an inhabitant of the Bermudas, lately arrived from thence, presented a letter from Governor Day and another from Mr. Jones, Secretary, dated April 15th, which were read. He was informed that the matter which Mr. Day writes about is now over, by Sir Tho. Day having petitioned the King that his son may be recalled; but that if he have any papers from Mr. Day, or anything otherwise himself to offer in Mr. Day's vindication, he may, if he thinks fit, do it in writing, and leave the same here to be made use of, whenever there shall be occasion.

Lord Stamford and Lord Lexington acquainting the Board that the Lord President and other of H.M. Commissioners appointed to treat with the French Commissioners that are here, about the affairs of Hudson's Bay and other matters relating to the Plantations, had appointed to meet at this Board to-morrow, and desired that Sir Edmund Andros may be directed to attend at

1700.

that time, ordered that notice be given to Sir Edmund Andros to attend accordingly. [*Board of Trade.* Journal, 13. *pp.* 66–69; *and* 97. *Nos.* 105, 106.]

June 10. Boston. **525.** Minutes of Council of Massachusetts Bay. 4*l.* paid for an express from Albany to Boston. 20*l.* paid for the support of an orthodox minister at Brookfield. [*Board of Trade.* New England, 49. *p.* 297.]

June 10. **526.** Minutes of Council in Assembly of Massachusetts Bay. 12*l.* granted to John Harvey in compensation for wounds received in His Majesty's service.

The proposals of the Commissioners of Connecticott Colony as to the boundaries of this Province and that colony were, upon debate, rejected, and it was resolved that the former Committee be revived further to treat with the Commissioners.

His Excellency gave his consent to the Bill, relating to the duty of a coroner, sent up and passed.

June 11. The Houses agreed that application should be made unto His Majesty by way of Address for the settlement of the College, and be inserted in the Address agreed to be made about the encroachments of the French.

The Representatives agreed to the Orders of the Board in the case of Capt. Whiting, June 7, and to the increase of the stipend granted to Jeremiah Bumstead, a wounded soldier, from 4*l.* to 8*l.*

Bill against Jesuits and Popish Priests read twice and committed.

The Representatives were summoned to the Council Chamber, and the towns of Newton and Cambridge laid their case before the whole Court. The Representatives then retired, and the Council sent down the following resolve for their concurrence:—That the great bridge over Charles River within the town of Cambridge be from time to time repaired, one-half at the charge of Cambridge, and the other half at the charge of the county of Middlesex.

Petitions of Northampton and Westfield for an addition of lands read and ordered to lie before the Board.

June 12. Bill against Jesuits, etc., passed and sent down.

The Committee for the Indian affair presented their report, which was read and ordered to lie before the Board.

15*l.* granted to Samuel Austin, formerly of Wells, Inn-holder, but now of Charlestown and in great want, in consideration of divers good services formerly done for the public.

Bill for granting to His Majesty an excise upon wines, etc., sold by retail, was sent up from the Representatives and read a first time.

A further proposal from the Commissioners of Connecticott was brought in by the Committee appointed to treat with them, and read. [*Board of Trade.* New England, 49. *pp.* 353–356.]

June 11. Whitehall. **527.** William Popple to Mr. Burchett. The Council of Trade and Plantation have directed Mr. Champante to speak with you in order to his taking due measures for putting all things aboard

1700.

H.M.S. *Advice* as shall be requisite. In reply to your letter of May 28 about Passes, their Lordships refer the Lords Commissioners of the Admiralty to the Order of Council of June 6 upon their Representation, to which they have not at present anything further to add. [*Board of Trade.* New York, 54. *pp.* 229, 230.]

June 11. Admiralty Office.

528. J. Burchett to Mr. Popple. I enclose, for the information of the Lords of the Council of Trade, a copy of the Instructions prepared by the Lords of the Admiralty for the several Governors, etc., how to govern themselves in the issuing of Passes, also an account of what number of passes will be sent to each Plantation, and by what conveyance. *Account follows as to the proposed distribution of* 4,390 *passes.* It being necessary that the forms of bonds and oaths should be sent to the persons entrusted with the delivery of passes, their Lordships have caused these forms to be prepared, and send copies for the consideration of the Council of Trade. Since Capt. Fairborne, who commands in chief in Newfoundland, may not find sufficient persons there to be bound with the masters of ships for the return of the passes at the end of the voyage, my Lords have thoughts of directing him in such case, either to take bond from the masters only, for the return of the passes, or that one master shall be bound for the other, if they can be prevailed with to do so, and desire to know which of those methods may seem best to the Lords of the Council for Trade. *Signed*, J. Burchett. *Endorsed*, Recd. 11th, Read 14th June, 1700. 4 *pp. Enclosed*,

528. i. Instructions from the Lords of the Admiralty to the Governors, etc., in the Plantations relating to the issuing of passes. (1) Notice to be given at once that ships must be provided with passes. (2) No pass to be issued unless the Governor is satisfied that the ship is at the same time within his government, and until (3) the master has made oath that he has no other pass, or has delivered up his former pass, and until (4) he has entered into bond, with one good surety, in the sum of 100*l.* for a vessel above 100 tons, and of 50*l.*, if under 100 tons, for the return of the pass to any person appointed to deliver passes, (5) either at the expiration of one year or upon the completion of the voyage, as it shall first happen. (6) A perfect register of passes issued to be kept, (7) and communicated with the various Governors by every opportunity. (8) The passes are to be issued gratis, save for 1*s.* for the stamp for His Majesty's use. *Copy.* 4½ *pp.*

528. ii. Form of oath for a master of an English-built ship, for obtaining a pass. 1 *p.*

528. iii. Form of oath for a master of a free ship, for obtaining a pass. 1 *p.*

528. iv. Form of a bond for a ship entering outwards in the Plantations for Africa or Europe. 1¼ *pp.*

528. v. Form of a bond for a ship entering outwards in the Plantations coastwise. ¾ *p.* [*Board of Trade.* Plan-

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tations General, 5. *Nos.* 69, 69.i-v. ; *and* 35. *pp.* 240–256.]

June 11. Admiralty Office. **529.** J. Burchett to Mr. Popple. Enclosing, for the consideration of the Council of Trade and Plantations, drafts of Instructions, relating to the issuing of passes, proposed to be given to the Consuls in Portugal, Spain and Italy, together with forms of oaths and bonds to be taken. *Signed*, J. Burchett. *Endorsed*, Recd. 11th, Read 14th June, 1700. 1½ *pp. Enclosed*,

529. i. Draft of Instructions for the Consuls, referred to above. 3½ *pp.*

529. ii. Forms of oath to be taken and bond given by masters of ships, for obtaining passes. 3 *pp.* [*Board of Trade.* Plantations General, 5. *Nos.* 70, 70.i.,ii. ; *and* 35. *pp.* 257–265.]

June 11. **530.** Minutes of General Assembly of Barbados. Only 13 members being present, adjourned till July 9th. [*Board of Trade.* Barbados, 65. *pp.* 562, 563.]

June 12. **531.** Agent of New York to the Council of Trade and Plantations. Mr. Musgrave, Clerk of the Ordnance, has informed me that, with regard to the present for the Five Nations, that there are a fitting up, to be ready in less than a week, such arms as were in His Majesty's stores, and that the Master of Ordnance had ordered them to provide no other. This is contrary to your Representation, H.M. Orders and the Orders of the Treasury, and absolutely against the intent of His Majesty's present to his Indian subjects. The arms now designed will be altogether useless and unacceptable to the Indians, being heavy. The only arms they make use of are light fusils, fit for hunting. Any other may rather give them disgust than satisfaction, and may afford the French in those parts, being warlike stores, a pretence of complaint. About the latter end of last month I attended the Lords of the Treasury, the Board of Ordnance attending at the same time. Their Lordships insisted upon H.M. Orders as aforesaid, and by their directions, I fixed upon a pattern of light fusils, which I was assured would be got ready with all dispatch imaginable. *Signed*, J. Champante. *Endorsed*, Recd. Read June 12, 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 5 ; *and* 54. *pp.* 231–233.]

June 12. Whitehall. **532.** Council of Trade and Plantations to the Earl of Jersey. We desire your Lordship to lay Mr. Champante's memorial [*preceding*] before the King, that His Majesty may please to give such directions as he shall judge suitable to so pressing an occasion, the furnishing of these arms as a present to the Indians being of more importance than any other thing His Majesty has been pleased to order for this service. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Locke, Ab. Hill, Geo. Stepney. [*Board of Trade.* New York, 54. *pp.* 234, 235 ; *and* (*corrected draft*), 44A. *No.* 44.]

1700.
June 12. Admiralty Office.

533. Mr. Burchett to Mr. Popple. My Lords of the Admiralty not knowing what things are to be provided by Mr. Champante for New York, it will be necessary an account thereof be sent hither as soon as may be, that directions may be given to Capt. Caldwall to receive them at the Nore and dispose of them to the persons to whom they shall be consigned. *Signed*, J. Burchett, *Endorsed*, Recd. 12, Read 13 June, 1700. ¾ *p.* [*Board of Trade.* New York, 10. *No.* 7; *and* 54. *pp.* 235, 236.]

June 12. Hampton Court.

534. Earl of Jersey to the Council of Trade and Plantations. The King has been pleased to appoint Mr. Atwood to be Chief Justice and Mr. Broughton Attorney General of the Province of New York, which I acquaint your Lordships with that you may consider of the powers and instructions that are proper to be given them, and cause draughts of their Commissions to be prepared accordingly. *Signed*, Jersey. *Endorsed*, Recd. 14th, Read 17th June, 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 6; *and* 54. *pp.* 239, 240.]

June 12. Whitehall.

535. Council of Trade and Plantations to the Earl of Jersey. In answer to your letter of May 27, we enclose our report which we desire you to lay before His Majesty. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Locke, Abr. Hill, Geo. Stepney. *Annexed*,

535. i. Council of Trade and Plantations to the King. The established salary for the Governor of New York has been and is 600*l.* sterling per annum, payable out of your Majesty's Revenue in the said Province, but the Earl of Bellomont allows 200*l.* sterling out of the same to the Lieutenant Governor. In 1686 Sir Edmund Andros being constituted Governor of all New England, in which New Hampshire as well as the Massachusets Bay was included, but not New York, 1,200*l.* sterling was then appointed him for his salary, payable here until the revenue there should be settled. In 1687, the Charter of New England having been surrendered to the Crown, and the settled revenue there being continued by order from hence, he was paid that salary out of that revenue. Upon your Majesty's accession, a new charter having been granted to the Massachusets Bay, the revenue of that Province is by that charter made disposable by the Assembly there, since which Sir Wm. Phips and the Earl of Bellomont having been appointed Governors, no settled allowance has been made by the Assembly for your Majesty's Governor there, and they have hitherto wholly declined the settling of any fixed annual salary for his Lordship's subsistence, and seem unto us to be very averse to the making of any such establishment, so that we do not see any ground of expecting it from them, tho' the same be in itself highly reasonable. In the New Hampshire there has never been any fixed

1700.

salary for the support of the Governor, nor is the Revenue of that province considerable. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Locke, Abr. Hill, Geo. Stepney. [*Board of Trade.* New England, 38. *pp.* 24–27.]

June 12. Whitehall. **536.** Council of Trade and Plantations to the King. We have examined the French Ambassador's memorial (*see* Jan. 16), complaining of Col. Frere's being gone to Dominico with two Barbadoes sloops and 60 armed men, there to make a settlement, under pretence of cutting timber, to which suggestion we cannot return any positive answer, having yet received from Barbadoes no information as to the matter of fact; yet, inasmuch as Governor Grey has received no order from hence for settling Dominico, nor makes mention of any such design, it is to be presumed Col. Frere is only gone upon the ordinary errand of fetching timber, and that the intent of his men taking arms is, as usual, to defend themselves against insults of pirates and the treachery of the Indians. But whereas in the said memorial mention is made of "antient treaties between England and France, whereby Dominico and Sta. Lucia were left to the savage Indians, and no other settlements were to be made there, either by the English or French nations, that about twenty years ago some English, attempting to settle on Sta. Lucia, were obliged to quit it upon that principle, and that after the year 1666 those Indians put themselves under the protection of France," we beg leave, in order to assert your Majesty's antient and sole right to those Islands, humbly to represent, that, in September last we made a report to the Lords Justices, wherein your Majesty's sole right over Sta. Lucia was asserted by all the arguments whereby property can either be acquired or preserved, viz., by first discovery, by frequent settlements, by legal purchase from the natives, by constant claims and by having driven away the French as often as they pretended to make settlements there without leave, by solemn Proclamations and other Acts of Sovereignty, and lastly by the English having been actually in possession in the beginning of Nov., 1686, when the Treaty of Peace and Neutrality for America was concluded here, by the 4th Article whereof the French agreed that "both Kings should have and retain all they then possessed in America." Upon these grounds and other considerations of interest and conveniency, your Majesty in Council was pleased in Nov. last to order Col. Grey to assert your right and title to the said Island, by giving notice to the French or any other foreigners who are settled or may hereafter pretend to settle there, that unless they remove from off that Island and discontinue their settlement there in some short time, which he should appoint, that he would be obliged to dispossess them by force and send them off, by which order we presume all that relates to Sta. Lucia is sufficiently determined.

As to Dominico, your Majesty's right and title to that Island will as clearly appear. From the first discovery thereof by the

1700.

English, that Island was expressly and by name contained in the original grant made of the Carribee Islands to the Earl of Carlisle, 1627, and has constantly and without interruption been inserted in all Patents and Commissions given to the several Proprietors and Captains Generals from that time to this, and has ever been reputed as a dependance of your Majesty's Government of Barbados. Upon information of the French having made some encroachment on those neighbour Islands, William, Lord Willoughby, appointed Governor of the Carribee Islands, 1666, had a particular instruction to allow no stranger subject to any other Prince or State to inhabit or possess any place contained in his Commission, wherein Dominico and Sta. Lucia were expressly named, but such as should acknowledge His Majesty's soverainty there; and was likewise ordered to streighten, distress and dispossess any of the French King's subjects who should have taken possession of any Island named in his Commission, His Majesty being resolved to assert his right to those Islands, and to vindicate his subjects from the insolences and injuries of their neighbours.

In pursuance of this Instruction, Lord Willoughby went to Dominico with an armed force to punish the Indian inhabitants for some injuries done the English, and soon brought them to a composition, whereby the Chiefs of the Caribbees did by a general consent, March, 1668, surrender and convey the said Island to the King of England, putting themselves as subjects under His Majesty's protection and government. This they did by an instrument in writing, sealed and delivered in the most solemn and authentic manner they are capable of; the truth whereof can be attested by Edward Littleton, Esq., now living in London, and had the said Instrument in his custody. In consequence of this Pacification, Lord Willoughby gave a Commission to Colonel Tho. Warner, whose father was Governor at St. Christopher's and his mother was an Indian woman, to be Deputy Governor of Dominico, who for several years maintained the Indians, then the only inhabitants of the Island, in their quiet and peaceable subjection. The first dispute to the contrary was in May, 1672, when Col. Codrington, the Dep. Gov. of the Carribee Islands under the said Lord Willoughby, having sent some men from Barbados for the better peopling of Dominico, Mons. de Baas, Governor of Martinico, did not only dispossess them, but burnt their houses, and warned the said Colonel from sending men thither to plant any more, lest by such an action he might be guilty of a breach of peace then settled between the two Crowns, by one of the articles of which he pretended Dominico was to remain a neuter Island, free to the Indians, and possessed by neither nation, English or French. To which suggestion (the same that is now offered by the French Ambassador) answer was made by the then Council of Trade and Plantations, Dec. 11, 1672, in their letter to Lord Willoughby, that having enquired into the said Articles of Peace, no such ever appeared to have been treated on here or elsewhere in His Majesty's name by his order or direction or by any persons capable of representing the English nation, at least that nothing

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of that nature was heretofore ratified by public authority, and could consequently lay no obligation upon His Majesty. The rather for that since the time of Cromwell's Usurpation, when this Agreement is pretended to have been made, there had actually been a war between the English and French, as well in Europe as in America, and yet upon the conclusion of the Peace at Breda, 1667, no mention was made of these Islands nor any provision relating thereunto. Upon the death of Lord Willoughby, April, 1673, the Government of the Windward Islands devolving on the President and Council of Barbadoes, they, in order to secure His Majesty's title to Dominico, sent new powers to Col. Thomas Warner of the same tenure with that Commission formerly given him by Lord Willoughby, whereby he continued Governor over that His Majesty's Island till Dec. 27, 1674, when he was killed by Col. Philip Warner and others from Antegoa, who were tried in 1676 for the crime against the King in the loss of a subject. From that time the English have not thought fit to plant the said Island, but have left it unsettled for the use and supply of Barbadoes, on which government it has always been reputed to depend. As an instance thereof, Col. Stede, L.G. of Barbadoes and the rest of the Windward Islands, after having published on Barbadoes the Treaty of Peace and Neutrality in America, sent Capt. Beach with one of H.M. frigates to make a like publication on Dominico, as a part of his Government, which was done March 168$\frac{6}{7}$, and the Arms of England were solemnly affixed in the most convenient places of the Island as an ensign of His Majesty's soveraignty over it. Notwithstanding all this care to preserve His Majesty's right to Dominico, some French soon after got thither again, which obliged Col. Stede by H.M. frigate once more to disturb their settlements, May, 1687, by burning their huts, their fishing tackle and canoes, and causing a French ship to be seized with the men belonging to it, for having cut wood there without leave. To prevent further disputes with the French upon this and like occasions the late King in 1688 appointed Commissioners to treat with M. Barillon, then French Ambassador here, for determining the respective Colonies, Islands, etc., belonging to each nation; and Instructions were dispatched to Col. Stede to send an exact account of the boundaries and limits of his Government of Barbadoes and of the Islands and Territories depending thereon; in pursuance whereof he gave a Commission to several of the Council of Barbadoes to make enquiry into His Majesty's title to Sta. Lucia, St. Vincent's and Dominico, who from the depositions of the most aged and best knowing persons then living in those parts formed a report, Sept. 23, 1688, whereby it appears, to use his own words, that "His Majesty has an undoubted and sole right to these three islands, and that the French have not truly any shadow or colour of pretence thereto." But this report not arriving in England till after the late war with France broke out, the Commissioners appointed on both sides for settling the respective limits in America separated without coming to any agreement. And whereas the French have acquired no new title to any of these Islands in

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dispute, either by right of conquest or during the last war, or by any condition expressed in the late Treaty of Peace, we are humbly of opinion that your Majesty has entire right of sovereignty over the Island of Dominico: that the French have no just pretention to it and consequently no grounds for demanding, as the Ambassador does in his late memorial, that you "would be pleased to send orders that Col. Frere quit Dominico if he should chance to have settled there, and that your Majesty's Captain General should suffer no attempt of that nature."

We have likewise examined that part of the French Ambassador's memorial wherein complaints are made (1) That the Royal African Company offer to trade into the River Senegal, and that (2) they obstruct the French from trading up the River Gambia. The Royal African Company assure us that they do not trade into the River Senegal. But, in regard to the second point, they allege the fort called James Fort solely belongs to them, as also all trade above the said fort up the Gambia, though they own the French have a small factory near the mouth of the River Gambia, without James Fort, and have a liberty of trading there and elsewhere along the coast, which freedom the English also claim, but in the exercise of it sometimes have been disturbed before the late war, and sustained great damages, for which they immediately demanded satisfaction and have not yet obtained it. Upon the whole we are humbly of opinion that, as the English forbear trading into the River Senegal, so they have a right to keep entirely to themselves the trade up the Gambia, and that the trade along the coast ought to be kept free and common to both nations. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Locke, Abr. Hill, Geo. Stepney. [*Board of Trade.* Barbados, 45. *pp.* 67–77.]

June 12. Whitehall. **537.** Council of Trade and Plantations to the Earl of Jersey. We desire your Lordship to lay our Report (*above*) before His Majesty. *Signed as preceding.* [*Board of Trade.* Barbados, 45. *p.* 78.]

June 12. **538.** Journal of Council of Trade and Plantations. Representation upon Capt. Haskett's petition, June 6, signed and sent to the Council.

Representation in answer to Lord Jersey's letter, May 27, signed and sent. Mr. Champante's memorial, June 12, read. Letter to Lord Jersey, enclosing it, prepared and signed.

A Paper signed by Mr. Robert Williamson, in behalf of the Royal African Company, relating to some losses which the Company received from the French at Gambia, about 1688, read.

A Representation relating to His Majesty's title to the Island of Dominico, etc., signed and sent to Lord Jersey.

In the afternoon the Board met upon the desire of the Lord President and the other Commissioners for treating with the French Ambassador, etc. *Present:*—Lord President, Earl of Stamford, Lord Lexington, Mr. Sec. Vernon, Sir Ph. Meadows, Mr. Blathwayt, Mr. Locke, Mr. Hill.

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Mr. Secretary Vernon produced an answer given by the French Ambassador to some proposals that had been made to him by the said Commissioners, which answer was read. Then, the Hudson's Bay Company having been ordered to attend, Sir Stephen Evance, Mr. Young and other members of the Company were called in, and being required to explain their desires upon the matters to be treated of with the French Ambassador, relating to Hudson's Bay, they delivered to the Board two papers, as the resolution of their General Court, and containing all that they had power to say, both which were read; the one being a Representation in which they insist upon the right of the Crown of England, and consequently theirs, to that whole Bay, exclusively of the French and all others, and desire that they may be permitted to defend and make out their right and title accordingly, before any agreement be made about the limits between them and the French in the said Bay; but, in case that could not be obtained, the other paper contained the propositions which they think absolutely necessary for their trade in settling the said limits; which are, in substance, that the Division Line between the French and them on the west side of the Bay be in the latitude of 53 degrees, and that on the east side, they be mutually bounded by Rupert's River. Whereupon the Lord President representing to them the improbability of their obtaining those conditions from the French, and the hazard that by insisting thereupon the French would break off the Treaty now on foot, and then desiring to know whether they were willing to run that hazard and so restore Albany Fort to the French and receive York Fort from them, according to the 7th Article of the Treaty at Ryswick, they said they were not empowered to give any answer farther than what is contained in the foresaid papers, and, being thereupon further moved that they would call a General Court and consider the matter, they said they would do it as soon as they could. The three forementioned papers were delivered to Mr. Secretary Vernon.

Sir Edmund Andros was asked several questions relating to the Islands that lie off the coast of New England to the eastward of St. George's. He answered that the inhabitants of Salem had formerly a considerable fishery, in which they employed 50 or 60 sloops and as many ketches, all along the coast from Piscattaway to Cape Sables, but have of late been disturbed by the French: that both the Islands and coast are all along very necessary to our fishing vessels for drying their nets, curing their fish on shore, etc. which is the method practised by the English in those parts; that the banks off St. George's River and thereabouts lie generally out of sight of land; that Monhiggon, which lies off the River St. George's, is the most considerable of those Islands, and has been settled by several families of English, who, when he was there, followed the fishing trade; that another of those Islands is called Makinicus; and that there are several others which lie between the entrance of St. George's River and the Fox Islands, which may be all very useful to our fishery, as aforesaid. [*Board of Trade.* Journal, 13. *pp.* 69–73; *and* 97. *No.* 107.]

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June 12. Whitehall. **539.** Council of Trade and Plantations to the King. We have examined the circumstances of Capt. Haskett's petitions of April 11 and June 6. The security to be given by Proprietors and Charter Governments for their respective Governors and Deputy-Governors was thought by your Majesty of such importance, that you were pleased to give the directions upon the Address of the House of Lords, 18 March, 1696, as a rule to be observed by us. The Lords Proprietors of the Bahamas have refused to comply with the same. We humbly conceive that we are not at liberty to deviate from it. *Address quoted.* *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, John Lock, Abr. Hill, Geo. Stepney. [*Board of Trade.* Proprieties, 26. *pp.* 220–222.]

June 13. Hampton Court **540.** Order of King in Council, referring to the Attorney General the foregoing report of the Council of Trade and Plantations, for his opinion how the law stands as to obliging the Lords Proprietors of Plantations to give security for their Deputy Governors. *Signed*, John Nicholas. *Endorsed*, Recd. 1st July, Read 24th ditto, 1700. ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 57; *and* 26. *pp.* 243, 244.]

[Before June 13.] **541.** Col. Hamilton to Mr. Popple or Mr. Secretary Vernon. I was honoured by yours of Nov. 30, directed to Mr. Basse, his Commission being superseded by one to me. He embarked for England in December before I could speak with him after my arrival in the Jerseys. He will be heard of at Sir Thomas Land's and will no doubt give an account of what effects he seized of pirates. I have taken four into custody that came from Madagascar:—James How, Nicholas Churchill, Robert Hickman, and John Eldrige. Eldrige's treasure is in the hands of Col. Quary; if the others have any, it is hid in the woods or elsewhere. How is a sensible man, and I presume if he is promised a pardon can make considerable discoveries. I shall, pursuant to His Majesty's orders, deliver up all such persons and their treasure to His Excelleney Lord Bellomont. *Signed*, And. Hamilton. *Endorsed*, R. June 13, 1700. 2 *pp.* [*America and West Indies.* New Jersey, 575. *No.* 28.]

June 13. Whitehall. **542.** William Popple to Mr. Burchett. The Council of Trade and Plantations have directed Mr. Champante to give you an account of the things for New York and to compute the tonnage thereof. Your letter of the 11th relating to passes was laid before the Board yesterday, but could not be taken into consideration by reason of sundry Representations that were neeessarily to be dispatched in order to be laid before His Majesty, nor to-day by reason of the absenee of several Members, who are obliged to be at the Council at Hampton Court. It shall be offered again to-morrow. [*Board of Trade.* New York, 54. *pp.* 237, 238.]

June 13. Hampton Court. **543.** Order of King in Council, referring the following petition to the Council of Trade and Plantations, for their opinion. *Signed*, J. Nicholas. *Annexed*,

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543. i. Petition of William Bird and others. Petitioners' ship, the *William and Jane* was pursuing a lawful trade in negroes at Portudall, on the coast of Afriea, when she was seized; March 1, 1699, by a French ship under English colours. The French Court have proceeded to vindicate that act of piracy and to condemn the ship against all law and justice and the undoubted rights of His Majesty's subjects to trade on that part of the said coast.

543. ii. Reasons of the Senegal Company for confiscating the *William and Jane.*

543. iii. Reply to the above. The French Company have no right to exclude the English from trading on the coast of Portudal. [*Board of Trade.* Trade Papers, 15. *pp.* 78–91.]

June 13. Whitehall. **544.** Journal of Council of Trade and Plantations. Letter from Mr. Burchett, June 12, read. Mr. Champante ordered to give Mr. Burchett the necessary information about the shipment for New York.

June 14. Two letters from Mr. Burchett, June 11th, with papers about passes, read. Letter in answer approved and sent.

Mr. Crosse, one of the owners of the *Cole and Bean* galley, desiring their Lordships to take into consideration the reference that lies before them relating to the said galley, papers upon the case lately received were read. It was observed that the defendants after the trial had desired to appeal from the Admiralty Court in Carolina to the High Court of Admiralty here, but had not been admitted to do it. Their Lordships directed Mr. Cross to get Mr. Attorney General's opinion whether that appeal may not yet be admitted either to the King in Council or to the High Court of Admiralty. [*Board of Trade.* Journal, 13. *pp.* 73–75; *and* 97. *Nos.* 108, 109.]

June 13. **545.** Minutes of Council in Assembly of Massachusetts Bay. Excise Bill read a second time and committed.

A proposal for an accommodation of the dispute about the boundary betwixt this Province and H.M. Colony of Connecticott was drawn up, past and sent down to the House of Representatives, who gave it their concurrence. The proposal was that this Court cannot comply with the proposals of the Connecticott Commissioners. Considering the concession formerly made by the General Court of the late Colony of Massachusetts Bay, May, 1672, unto the Government of Connecticott, in favour of their ancient town of Windsor, so as that Government should accept thereof and appoint some persons to run the line accordingly with Major Pyncheon, appointed by the Government of the Massachusetts, before the winter following, which they have not hitherto accepted, nor attended the said condition, whereby they cannot now make challenge to the same, 28 years being overpast, and the Government of the Massachusetts after some years expecting to receive their answer, having since made

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several grants of land comprehended within the lines proposed by the said concession ; nevertheless this Court, to manifest their willingness to put an end to all former disputes betwixt the two Governments and for an amicable compliance with their good neighbours and fellow subjects of Connecticott and for the accommodating of their town of Windsor, do concede that the south line of the town of Suffield within this Province be continued so far as to reach in the full extent of 16 miles from Connecticott River due West, and thence to run South to the line of this Province, as it was anciently run ; and that from Connecticott River the line be run due East eight miles upon the town of Enfield's south line, and thence a line to be run due South to the ancient line of this Province, about 48 years since run and set out by Nathaniel Woodward and Solomon Saffery, skilful and approved artists. All the lands contained between the before-mentioned lines of Suffield and Enfield and the South returns from those lines so continued as above to be and remain unto the towns of Windsor and Simsbury. Provided nottwithstanding, if it appear that the grant of the town of Woodstock or any other grant to any particular person or persons heretofore made by the Government of the Massachusetts do extend unto the southward of the line as now proposed betwixt the Governments, such grants respectively shall be held and enjoyed to them unto whom the same were made or such as legally derive from them, without any molestation, trouble or claim thereto, by the Government of Connecticott, or any that shall pretend thereto by grant from them. Provided also that the iron ore or mine lying at or near the bounds of Suffield shall be free for the use of iron works that are or shall be erected by the inhabitants of either Government respectively without any control or restraint. Provided also that this concession shall by nowayes or means howsoever be construed, improved or taken in any ease to draw into question or prejudice the indubitable right to the line as anciently run and stated betwixt the Governments, unless the Commissioners from Connecticott shall now agree to this proposal, and meet persons be appointed by that Government to join with those to be appointed by this to run the line accordingly as is herein proposed at or before the last day of April next, and timely notice be given to this Government. The Address to His Majesty relating to the encroachments of the French and the settlement of the College, reported by the Committee, was read and left to further consideration.

The Excise Bill was amended in Committee.

The Representatives agreed to the proposal of the Council about the bridge in Cambridge, June 11.

June 14. The Address to His Majesty was read, amended and sent down to the Representatives, who returned it with their concurrence. They also agreed to a resolve of the Board that Thomas Hinckley be heard upon his petition upon June 25, and that the Proprietors of the lands lying at Seconett about Little Compton be notified to attend to answer him relating to his claim to 200 acres, part of Tatamunah's 1,000 acres, granted him by the Government of New Plymouth.

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The Excise Bill, amended, was read and after some debate referred to a further reading.

The Commissioners from Connecticott, moving for a reconsideration of the propoals offered them yesterday for an adjustment of the boundary, were heard thereupon before the Board.

Petition of Capt. James Weemes for payment of his own and Company's wages for serving His Majesty in garrison at Pemaquid Fort, 1689, with an Order of the Lords Justices, Aug. 26, 1697, recommending it to His Excellency the Governor to take effectual care that the Petitioner be satisfied what shall appear due to him out of the public revenue of the Province, read and referred to further consideration, when the papers referring to that matter shall be lookt up and perused. [*Board of Trade.* New England, 49. *pp.* 357–361.]

June 14. Whitehall. **546.** William Popple to Josias Burchett. The Council of Trade and Plantations are very sensible of the favour of the Lords Commissioners of the Admiralty in communicating to them their proceedings in the matter of passes, and propose for their consideration, whether it would not be convenient (1) that a liberty be left to the Earl of Bellomont to forward the passes that are to be sent to him unto the respective Plantations for which they are intended, by land or the ship that attends his Governments, as he judges best; (2) that a good number of passes be sent to the Consul at Leghorn by land to be transmitted by him to other Consuls in the Mediterranean ports, and some also to the Groyne to be distributed in Spain and Portugal; (3) and, whereas besides the ships qualified by law to trade in H.M. Plantations, for which provision is made, it may happen that some Scotch ships, which are not so qualified, may be forced into the said Plantations, by stress of weather or other necessity, whether a liberty should not be allowed to those with whom the distribution of passes is entrusted, under proper cautions and conditions, to supply Scotch ships also with passes on such extraordinary occasions. As to the query relating to the security to be taken at Newfoundland, their Lordships are of opinion that if it do happen that one master can be prevailed with to join in giving security for another, it will be best that it be taken accordingly; but if that cannot be obtained, it seems necessary that each master's single security should be accepted there, rather than that passes should be refused for want thereof. Upon the instructions to Consuls, their Lordships propose the alteration of the word *residence* to *within your Consulship.* Considering that some few ships with fish or timber from New England may return from Spain or Portugal, where they deliver the same, to the Plantations without coming for England, their Lordships offer whether it may not be fit to add a liberty in the condition of the bonds thereby directed to be given for the "return of passes to the persons entrusted with the delivering out of passes in the Plantations," and that the form of the bond prepared thereupon be altered accordingly. [*Board of Trade.* Plantations General, 35. *pp.* 266–268.]

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June 14. Whitehall. **547.** William Popple to Josias Burchett. The Council of Trade and Plantations observe some verbal slips in the forms of oaths and bonds suggested by the Admiralty, June 11. Virginia is called an island, etc. [*Board of Trade.* Plantations General, 35. *p.* 269.]

June 14. **548.** Case of the owners and freighters of the *Cole and Bean* galley. A repetition of former statements. 1¼ *pp. Endorsed,* Read June 14th, 1700. [*Board of Trade.* Proprieties, 5. *No.* 58.]

June 14. Boston. **549.** Minutes of Council of Massachusetts Bay. Ephraim Stevens of Andover allowed 5*l.* 1*s.* for billeting himself, Ap. 10–Oct. 29, 1697. [*Board of Trade.* New England, 49. *p.* 298.]

June 15. Nevis. **550.** William Burt to [? Mr. Secretary Vernon]. Right Honble. Sir, since my last of Jan. 9, '99, giving an account that I had finished what Mr. Taylder left undon and by that opertunitey sent all his books and papers releating to the business he came about to the Rt. Hon. the Earl of Ranelagh, I have received an order from Lord Ranelagh by Col. Edward Fox to pay him what money came to my hands of the 10,500*l.*, of which, after that service was performed, remained aleven hundered and twenty pounds. Out of it I have paid Col. Fox five hundered ninety five pounds, and thears remaining in my hands 525*l.*, which I deferred paying, having humbly desired your honour my salary, 525*l.*, might be paid out of that money, desiring no satisfaction for the trouble I had after Mr. Taylder's death in finishing that service. *Signed,* Wm. Burt. *Endorsed,* R. 17 Aug., 1700. 2 *pp.* [*Board of Trade.* Leeward Islands, 6. *No.* 73.]

June 15. Barbados. **551.** Governor Grey to the Council of Trade and Plantations. I have receeived your letter of Feb. 16, with H.M.'s Order relating to denization. There has been nothing of this nature acted by me since I have taken upon me the administration of this Government. If the pirate King or any of his men come within my knowledge they shall meet with such punishment as the utmost severity of the law can inflict. Your Lordships will have presented to your consideration the Attorney General's opinion about the seizure of the sloop *Expedition,* of Barbados, at Martinico; the matter having been laid before me in Council, I find there has been bold swearing on both sides, which is all I can say in the matter. *Signed,* R. Grey. *Endorsed,* Recd. 3rd, Read 6th Aug., 1700. *Enclosed,*

551. i. Account of the stores of the magazine, 1699. *Signed,* George Peers, Feb. 22, 1700. *Endorsed,* Aug. 3, 1700. 2¼ *long strips.*

551. ii. Memorandum of Naval Officer's list of ships, Dec. 25, 1699–Mareh 24, 1700. ¼ *p.*

551. iii. Memorandum of Minutes of Council and Assembly, Nov. 23, 1699–April 17, 1700. ¼ *p.*

551. iv. Memorandum of Minutes of House of Representatives, Oct. 17, 1699–Mareh 7, 1700. ¼ *p.*

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551. v. Memorandum of Acts of Assembly, Jan.–March, $\frac{1699}{1700}$. [*Board of Trade.* Barbados, 8. *Nos.* 55, 55.i.–vii.; *and* (*without enclosures*) 45. *pp.* 99–101.]

June 15. **552.** Minutes of Council in Assembly of Massachusetts Bay. Upon the petition of the inhabitants of Dedham, that persons be appointed to run the bound-lines between them and Natick, and the petition of the Indians of Natick, complaining of encroachments by the English, the Council concurred with the recommendation of the Representatives, that Capt. Thomas Oliver, of Cambridge, Joseph Sherman of Watertown, Thomas Sawin of Natick, Capt. Isaac Williams of Newton, and Samuel Aspinwall of Muddy River, be appointed to settle the bounds betwixt Dedham and Natick, as the General Court hath formerly stated the same, and report their doings.

James Taylor chosen Treasurer and Receiver General.

Joint-Committee of both Houses appointed to consider what is further necessary to be done relating to the matters contained in the Address to His Majesty.

Treasurer's accounts passed.

Committee appointed to treat with the Commissioners of Connecticott upon a paper offered by them for explanation of the concession proposed to them by the Court. [*Board of Trade.* New England, 49. *pp.* 361–363.]

June 16. Jamaica. **553.** Governor Sir William Beeston to the Council of Trade and Plantations. I have received yours of the 5th of March, with Mr. Smith's petition. I do not know the Gent. nor do I believe he knows me, but must conclude that he has done me a manifest injury, so positively to assert to His Majesty of me what is positively false, for I never was concerned with nor about his ship nor anything that belonged to her, nor ever sold or ordered the sale of her or meddled with the money or anything else belonging to her, but she fell into the hands of the law, where I have no authority to hinder the process of the meanest of His Majesty's subjects, nor hinder any judgment or stop any execution nor other process out of any of the Courts, and God forbid myself or any other of His Majesty's servants should be enabled with any such arbitrary authority. But since it's your Lordships' commands to me that I should return some answer to the said petition, I will relate all I know. What they say about the ship being set out for Newfoundland, there taken by Bourke, brought to Hispaniola and thence hither, I do believe to be true, and when she came hither Rere-Admiral Benbow, believing he had the sole authority over all things that moved on the water, took her into his possession, but being aweary of her and the trouble, in a short time turned her off; then they applied to me. I told them I could do nothing in it, Mr. Benbow having pretended to secure her for the owners, but since he had turned her off, if I could do the owners any service, I would, and presently sent to the merchants to know if any of them knew the owners, and would take care of the ship for them. Some answered they

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knew them, but did not know but the ship might be insured, but, if she were not, they would not disburse their money for hire of men, provisions, etc. (for the ship passing through the hands of pirates and others, was pillaged of all that was moveable), when they did not know if ever they should be repaid or thanked for their trouble. On this, the sailors, who brought her in, libelled her in the Admiralty for wages or salvage—I believe for the last—where she was condemned and sold for the most she would yield, and the salvage and charges paid, and the remains there deposited for the owners. The gentleman that bought her fitted her out for the Bay of Campeehy, to load logwood, and thence ordered her for Amsterdam. A few days after she was sailed, arrived an Agent from the owners to look after her. I bid him enquire in the Admiralty what had passed, and there he would be satisfied much better than I could tell him, and that if the Commissioners of the Admiralty believed his power was good, I would write them as my opinion that they would do well to pay him the money the Court had in their hands, that there might be no delay nor farther trouble about it, which I believe they did, and the man went to Campeehy in search of the ship, for I never heard any more of him. This is the whole truth that I know, and I humbly pray you to represent it to His Majesty that I may not lie under his disfavour, nor Mr. Smith's farther scandal about it. It's well for him she was sold in the Admiralty; else nobody would have looked after her, and she would have sunk in the harbour, and then all would have been lost to him. These things taken up at first bound and without enquiry into the truth before they venture to report it, gives your Lordships great trouble to examine and me great trouble to defend myself from such false aspertions. Those that bought the ship and fitted her out tell me they have made very fair offers about her to the agent, who came here to look after her.

I have lately received a letter from Mr. Heathcote, wherein he aquaints me that by your favourable Representation, His Majesty has been graciously pleased to pass the Act in my favour, for which I must in all obedience acknowledge His Majesty's goodness and your kindness. The country continues hitherto very healthy, and by the next good ship I intend to send you the public accounts and the muster-rolls. In this ship Col. Lowe, one of the Council, goes for England, and Capt. Banister is uncapable of coming abroad, so that the four I lately recommended to your Lordships or what other four you think more fitting, will now but fill the Council. *Signed*, Wm. Beeston. *Endorsed*, Reed. 20th, Read 26th Aug., 1700. *Holograph.* 1¾ *pp.* [*Board of Trade.* Jamaica, 9. *No.* 20; *and* 57. *pp.* 92–96.]

June 17. Hampton Court.

554. Earl of Jersey to the Council of Trade and Plantations. The King refers enclosed to you that you may examine petitioner's title and report thereupon. *Signed*, Jersey. *Endorsed*, Reed. July 1. Read July 26, 1700. 1 *p. Enclosed,*

554. i. Petition of John Crowne to the King. Petitioner's father, William Crowne, was joint purchaser with Sir

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Thomas Temple of all those lands in America called Nova Scotia, and bought 'em of those who derived their title from the Crown of Scotland. Sir Thomas Temple, Sept. 12, 1657, made over all his right and title in Penobscot and other lands adjacent, being part of Nova Scotia, to William Crowne and his heirs for ever. King Charles II, 1668, at the Treaty of Bredah surrendered all these lands to the French, to the ruin of the Proprietors. The limits of your Majesty's dominions in America being shortly to be settled by English and Freneh Commissioners, Petitioner has lately given a paper to the Lords Commissioners for Trade and Plantations, wherein he makes it apparent that Penobscott with the lands belonging to it are a part of your Majesty's dominions, that the French neither own nor possess 'em. He prays that the said Commissioners may be ordered to hear his title and that meantime he may be given something for his present support and expenses in pursuit of his right. 1 *p.* [*Board of Trade.* New England, 10. *Nos.* 43, 43.i. ; *and* 38. *pp.* 90–92.]

June 17. Hampton Court. **555.** Earl of Jersey to the Council of Trade and Plantations. His Majesty desires to be informed not only what has been allowed by New England, New York and New Hampshire to their Governor by way of an established salary, but likewise what they have given him as a gratuity and what may for the future be expected from them in the same manner. *Signed*, Jersey. *Endorsed*, Recd. June 20, Read June 21, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 44 ; *and* 38. *p.* 28.]

June 17. Whitehall. **556.** Council of Trade and Plantations to the principal officers of H.M. Ordnanee. Having understood that His Majesty has been pleased finally to direct that proper arms be sent for presents to the Five Nations of Indians, aceording to our Representation, and H.M.S. *Advice*, whieh is to earry them, being now ready to sail, we pray you to give the neeessary dispateh to this matter, that the opportunity of this ship be not lost, we being informed that no other ship will be going for those parts these two or three months. *Signed*, Ph. Meadows, Wm. Blathwayt, John Loke, Abr. Hill. 1 *p. Corrected draft.* [*Board of Trade.* New York, 10. *No.* 8 ; *and* 54. *p.* 238.]

June 17. Whitehall. **557.** William Popple to Josias Burchet. The Council of Trade and Plantations desire you to move the Lords Commissioners of the Admiralty to suspend the dispatch of the sailing orders of H.M.S. *Advice*, which they are informed would be sent to-night or to-morrow, for two days, by which time they hope all things intended to be sent for His Majesty's serviee to New York will be ready. [*Board of Trade.* New York, 54. *p.* 239.]

June 17. Admiralty Office. **558.** J. Burchett to Mr. Popple. There being at present no Governor at Bermudas, and my Lords of the Admiralty being directed to send passes thither, I pray you will let me know to

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whom they may most properly be sent. I suppose the care of the government is in the hand of some one person or more, and that they will not scruple at putting the Instructions of my Lords in execution. *Signed*, J. Burchett. *P.S.*—The *Advice* is now ready to sail, and I fear that the service she is going on will not admit of her staying for the small arms for New York, if all possible dispatch be not made. *Endorsed*, Recd. 17th, Read 18th June, 1700. 1 *p.* [*Board of Trade.* Bermuda, 4. *No.* 31.; *and* 30. *p.* 21.]

June 17. **559.** Journal of Council of Trade and Plantations. Letter from Lord Jersey, June 12th, read. Messrs. Atwood and Broughton were directed to bring a copy of the Commission for Mr. Chilton to be Attorney General of Barbadoes.

Letter to Mr. Lowndes, June 18, ordered.

Mr. Champante attended the Board, and in response to his representations, letters were written to the Board of Ordnance and Mr. Burchett.

Order of Council, June 13, read. Owners of the *William and Jane* directed to lay before the Board in writing the proofs of the right of His Majesty's subjects to trade on that part of the coast of Africa where she was seized, and to explain more particularly the extent of that part of the coast concerning which they speak.

Order of Council, May 9, read. Directions given for preparing draughts of letters to Governors of H.M. Plantations for seizing the *Beckford Galley*, etc.

Order of Council, May 16, relating to Mr. Skene, read.

Order of Council, June 6, relating to passes, read.

Order of Council, June 6, relating to Commissions for the trial of pirates, read.

Order of Council, June 6, relating to an allowance to be made to Mr. Larkin, read.

June 18. Capt. Lilly, the engineer, who has been lately at Jamaica, laid before the Board a memorial concerning the fortifications, which was read. He further presented to the Board a general draught of the Island, together with a particular draught of Fort Royal and some other draughts or projects of forts that he thinks necessary to be built for the defence of the Island.

Mr. Champante said that the Board of Ordnance had now promised to supply him with such light fuzils as had been ordered for the Indians, and had writ to the Admiralty in what time they could be ready, so that they may be sent by H.M.S. *Advice*.

Letter from Mr. Burchett, June 17, asking to what person the passes intended for the Bermuda Islands may best be sent, read. Reply ordered indicating the Collector.

Draught of a circular letter to the Governors, in pursuance of the Order in Council, May 9, about the *Beckford* galley, approved. Ordered that Sir Bartho. Gracedieu be sent for, to know to which of the Plantations he desires those letters should be sent.

Letter from Mr. Burchett, June 18, read. [*Board of Trade.* Journal, 13. *pp.* 76–81; *and* 97. *Nos.* 110, 111.]

June 17. Boston. **560.** Minutes of Council of Massachusetts Bay. Licences granted to Joseph Russell to erect a timber building on the backside of his house near the house formerly called the Red Lion; to Joshua Lane to erect a timber building in Atkinson's Lane; to Benjamin Brame to enlarge a leantoo adjoining his dwelling-house, near the house of Dr. John Clarke; and to Benjamin Fitch to erect a timber building in the lane by the Bowling Green in Boston. [*Board of Trade.* New England, 49. *pp.* 298, 299.]

June 17. **561.** Minutes of Council in Assembly of Massachusetts Bay. Bills against Jesuits and for regulating prisons, passed by the Assembly, were read and passed, and received His Excellency's consent.

Vote of the Representatives upon the petition of the Church and Society upon the North River in Situate was concurred with, confirming the settlement of the General Court of the late Colony of Plymouth, 1680, authorising that Society to rate themselves distinct from the lower Society for maintenance of the ministry etc., amongst them.

Committee of investigation appointed, November 1698, upon the petition of Joseph Easterbrook and Thomas Clarke and other inhabitants of Concord and Chelmsford, praying the grant of land for a neighbouring township commonly called Nashoba, continued in accordance with the vote of the Representatives.

Committee of investigation appointed, according to the recommendation of the Representatives, upon the petition of the town of Boxford, praying that Mr. Endicot's and Capt. Gold's farms within the said township, formerly ordered to pay rates and duties to the town of Topsfield, may be returned unto Boxford.

10*l.* granted to York for the maintenance of a minister.

5*l.* ordered for mending the road to Connecticott, especially betwixt Worster and Brookfield, reported encumbered with trees fallen and rocky swamps.

Report of Committee appointed to state the boundaries between Freetown and Tiverton laid before the Board. The boundaries therein expressed were accepted.

June 18. Excise Bill amended.

Petition of several Indians residing within the County of Barnstable, complaining that some covetous English persons, crediting of them for small sums and requiring payment by service, ofttimes would oblige them to unreasonable terms, and praying that no Indian may be put forth or taken as a servant but by the allowance of two Justices of the Peace, read. Bill ordered accordingly.

June 19. Above Bill read twice and debated.

The Representatives were summoned and before the whole Court the case of Framingham and Sherborne was heard, Framingham petitioning to be made a township. [*Board of Trade.* New England, 49. *pp.* 363–368.]

June 18. Whitehall. **562.** William Popple to Josias Burchett. In answer to your letter of June 17th, the Council of Trade and Plantations

desire you to acquaint the Lords Commissioners of the Admiralty that in the present unsettled condition of Bermuda, and till a new Governor be appointed for that Island, they cannot think any person there more proper to be entrusted with the distribution of passes than the officer, whom they proposed by their Representation of the 5th to be entrusted therewith in the respective Proprieties and Charter Governments, viz., the Collector appointed by the Commissioners of H.M. Customs in pursuance of the Act of the 25th of Charles II. for the encouragement of the Greenland and Eastland Trades, and for the better securing of the Plantation Trade. [*Board of Trade.* Bermuda, 30. *p.* 22.]

June 18. Whitehall. **563.** William Popple to William Lowndes. I enclose Representation of the Council of Trade and Plantations, Dec. 14, '99, and Order of Council thereupon. Mr. Atwood and Mr. Broughton have been appointed Chief Justice and Attorney General of New York, and will wait upon you in order to the dispatch of what may be necessary for them from the Lords of the Treasury. [*Board of Trade.* New York, 54. *pp.* 240, 241.]

June 18. Admiralty Office. **564.** J. Burchett to Mr. Popple. My Lords of the Admiralty will, as the Lords Commissioners for Trade and Plantations propose, June 14, leave it to Lord Bellomont to forward the passes to the several Plantations. *Refers to distribution of passes among the Consuls.* My Lords would gladly do all that is in their power for security of such Scotch ships as may be forced into the Plantations, but they cannot think it proper to direct the Governors to furnish them with passes, for in that case they must not only sail with English colours, but many other objections will arise, besides that of the Lord High Admiral of England's granting passes to the ships of a kingdom that hath a separate Admiralty, which their Lordships judge will render this matter altogether impracticable. My Lords will order the Commander-in-Chief at Newfoundland to endeavour to prevail with one master to be bound for the other for delivering up his pass; otherwise to take each master's simple security. The proposed alterations are made relating to the Instructions to Consuls, as is that also in the bonds to be given by the masters of ships with fish or timber from New England, their returning their passes to any person entrusted with the delivery of the same in the Plantations, in case they happen to proceed to the Plantations without coming for England. Care shall be taken to rectify what is amiss in the pattern for filling up the oaths and to make them as intelligible to the persons concerned as may be. *Signed*, J. Burchett. *P.S.*—My Lords will defer the sending the *Advice* her sailing instructions for two or three days, in hopes the things for New York will be ready. J.B. *Endorsed*, Recd. Read June 18th, 1700. 3 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 71; *and* 35. *pp.* 279–282.]

[? June 18.] **565.** Description of Jamaica [*by Capt. Lilly, the engineer*]. Since in the possession of the English the eastermost one-half of the south side has always been the best settled, but in the French

invasion a great part of that, viz., the Portmorant quarters were entirely left to be laid waste by the enemy, so that there now remains only Liganee, Sixteenmilewalk, Guanaboa, St. Catherine's, St. Dorothy's, Clarendon and Vere that are well settled. Of these Sixteenmilewalk and Guanaboa are naturally fortified, being on all sides environed with great mountains, through which there is but very narrow passes. The low lands of Clarendon, Vere, St. Dorothy's and St. Catherine's are one side covered with mountains, but on the other altogether open to the sea. Ligance is cut off from all the rest by very narrow passes, it is three quarter parts covered with mountains, but towards the sea this, as well as all the rest of the low lands mentioned, has nothing but Port Royal for its chief bulwark, which in truth is but a very weak one, and of no manner of security, either for this or any other of the settlements of Jamaica, as shall be shewed hereafter. The town of Port Royal was formerly joined to the mainland of Jamaica by a narrow isthmus of near four leagues, which contains but about 25 acres, on the south of which is built a small fortification called Fort Charles, which does not contain full three-quarters of an acre of ground, the portholes of which, with its other ways antick contrivance, renders it extreme weak, and subject to surprises, for the wall thereof is nowhere above six foot thick, and every porthole is a gate for an enemy to enter at, especially being there is not the least ditch or pallisado about it. Even if the fortification were really strong, it would be of little or no use for the security of the mainland, for there is to the south-west of it a channel, called the Leeward Channel, through which ships of war may at any time with the usual sea-breeze go into or out of Kingston Harbour, without having occasion to come within a mile and a half of Port Royal.

Effectually to secure Jamaica, there is a point of land north-west of Port Royal, called Musket Point, which ought to be well fortified. This fortification would effectually hinder the entrance into Kingston Harbour, and cover the most valuable parts of Jamaica, particularly Liganee, which is the finest and best settlement in the Island, and so situated that, if an enemy once gets possession thereof, he is naturally fortified against all the rest. This fortification will also cover the chief town of the Island called St. Iago, where the Governor commonly resides, the Assembly meets, and the Courts of Judicature and Records are kept, as also all the adjacent settlements, vizt., Sixteen-milewalk, Guanaboa and St. Dorothy's, down as far as Old Harbour. Now because there is two more places where an enemy may land and attack the two remaining settlements of St. Dorothy and Vere, there should therefore in each of these two places a small field fort or redoubt be built, to stop an enemy till all the strength of the Island can be brought together, which the Governor may safely do, because when an enemy is once got so far to Leeward it will take up a great deal of time before he can get up to Windward again to annoy the inhabitants there.

As to raising the money for building these forts, for want of a better expedient methinks a tax of two pens per acre upon

all lands taken up in the Island, which I believe is about 1,200,000 acres. As to the maintenance of these fortifications, the King has hitherto allowed out of the Revenue of Jamaica 1,250*l.* yearly for the maintenance of that trifling redoubt at Port Royal: if His Majesty would adopt this sum to the maintenance of these new fortifications, viz., 900*l.* for the fort at Musketo Point, 200*l.* for that at Vere and 150*l.* for that at Old Harbour, I belief it would be sufficient. And because the number of fighting freemen does not exceed 1,500 at most, a very small number indeed for to govern nearly 40,000 negro slaves, which they are masters of, and for to have an enemy to fight besides, there should therefore at least 500 military men be sent thither to guard these forts, as also some good gunners and two 11-inch mortars, there being already some shells there for to fit them. There should also a skilful engineer be sent to continue there, who should have the command of these fortifications. Though the King allows 1,250*l.* yearly for the maintenance of that little fort at Port Royal, yet I do not believe there is one gunner in it nor one man that understands of the art of gunnery or fortification; and tho' I did above two years reside in the Island, yet I could never rightly perceive to what purpose these 1,250*l.* were employed. If remedy be not applied, I do verily believe that the first enemy that shall attack Jamaica will carry it. Three thousand men with arms, ammunition, provision and a knowing officer at the head of them, will be sufficient for to do it. *Endorsed*, Capt. Lilly's memorial concerning the fortifications of Jamaica. Recd. Read June 18th, 1700. 2¼ *pp.* [*Board of Trade.* Jamaica, 9. *No.* 17; *and* 57. *pp.* 65–71.]

June 19. **566.** Attorney General to the King. I cannot find any law whereby the Proprietors of Plantations are obliged to give security for their Deputy Governors. But there were two several Acts passed the last session of Parliament, one the Act for the more effectual suppressing of piracy, whereby it is enacted that if any of the Governors or any person in authority in the Plantations shall refuse to yield obedience to the said Act, such refusal is thereby declared to be a forfeiture of all and every the Charters granted for the Government or Propriety of such Plantation; and [by] another Act, passed the same session and entituled an Act to punish Governors of Plantations in this kingdom for crimes committed by them in the Plantations, it is enacted that the Governors and Commanders-in-Chief of any Plantation or Colony within His Majesty's dominions beyond the seas shall be liable to be prosecuted and punished within this kingdom for any crime or offence committed by him after Aug. 1, 1700, contrary to the laws of this realm; which laws I conceive do in some measure answer the design of the Proprietors giving security for their Governors, the Governors being thereby obliged to use their endeavours for the suppression and punishment of pirates within the respective Plantations of which they are Governors under the penalty of the Proprietors forfeiting their charters, and the Governors being also liable by the last Act to be punished

here. *Signed*, Tho. Trevor. *Endorsed*, Recd. 1st July, Read 24th ditto, 1700. *Copy.* 1½ *pp.* [*Board of Trade.* Proprietics, 5. *No.* 59; *and* 26. *pp.* 241–243.]

June 19. Whitehall. **567.** Council of Trade and Plantations to the King. In obedience to your Majesty's Order of May 9th, we humbly lay before you draughts of a letter to the Governors of Plantations for seizing the *Beckford* galley and men aboard her, with the names of the Plantations to which Sir Bartholomew Gracedieu desires your Majesty's letters may be sent. *Signed*, Ph. Meadows Wm. Blathwayt, Jno. Locke, Abr. Hill, Geo. Stepney. *Annexed*,

567. i. Draft of a circular letter to the Governors of the Massachusetts Bay, New York, Virginia, Barbados, Leeward Islands, Jamaica, referred to above.

567. ii. Description of the *Beckford* galley, and Ryder the pirate. [*Board of Trade.* Plantations General, 35. *pp.* 297–299.]

June 19. Whitehall. **568.** R. Yard to Mr. Popple. Enclosing a letter from the King to the Governor and Council of Barbados for restoring Scotchmen to the Commission of the Peace in that Island. *Signed*, R. Yard. *Endorsed*, Recd. 19th, Read 25th June, 1700. *Inscribed*, One of the above mentioned letters was delivered to Mr. Skeen, and the duplicate sent to the Agents. 1 *p.* [*Board of Trade.* Barbados, 8. *No.* 50; *and* 45. *p.* 83.]

June 19. **569.** Journal of Council of Trade and Plantations. Sir Bartholomew Gracedieu said that he only wished His Majesty's letters relating to the *Beckford* galley to be sent to the Massachusetts Bay, New York, Virginia, Barbadoes, Leeward Islands and Jamaica. Representation thereupon signed.

Order of Council, May 30, about passes, read.

Capt. Long presented to the Board a memorial of his observations relating to the Isthmus of Darien.

Mr. Brenton, having been sent for to give what information he could relating to the eastern coast of New England and islands adjacent, said that [*the*] river of Penobscot will be of mighty advantage to whoever has it, in respect of the woods that lie in those parts for masts and timber for shipping; that the English have formerly had cattle upon several of the islands as far as Cape Sable, and that the Island of Cape Britton affords very good coals, which are fetched thence by the Bostoners. He promised to get what further information he could, and lay before the Board a more perfect memorial in writing.

Letter from Colonel Quary, March 6, read. Their Lordships, judging his remarks upon trade and the abuses committed in those parts worthy of consideration, ordered the Secretary to give notice thereof to Mr. Sansom.

June 20. The Secretary acquainting the Board that he had understood from Mr. Cobb, solicitor for the owners and freighters of the *Cole and Bean* galley, that Mr. Attorney General had refused to give his opinion upon the query they were ordered to ask him the

14th instant, without some direction from this Board, ordered that the Secretary ask for Mr. Attorney's opinion accordingly (June 20).

Copy of the reasons of the French Senegal Company for confiscating the *William and Jane*, trading for negroes to Portudall, received from Mr. Bird, with his reply thereunto, in which reply mention being made of two ships seized there in like manner by the French, 1680 and 1681, but upon complaint made to the Court of France, presently released, with satisfaction for damages, ordered that Mr. Byrd be desired to lay before the Board what proofs he has of that matter.

Upon consideration of the Order in Council, June 6, ordered that a letter be written to Mr. Lowndes to move the Lords of the Treasury to direct Mr. Baker, solicitor of the Treasury, to take care of expediting those commissions in the several offices.

Draught of a letter to Lord Bellomont ordered.

Minutes of Council and other public papers of Bermuda, Aug. 17, 1698–Sept. 15, 1699, were laid before the Board.

Ordered that Mr. Thomas Burton, lately arrived from the Bermudas, be desired to lay before the Board an account in writing of the state of those Islands

Letter from Mr. Day, Feb. 10th, read.

Letter from Mr. Jones, Secretary of the Bermudas, Feb. 12th, read. [*Board of Trade.* Journal, 13. *pp.* 81–86; *and* 97. *Nos.* 112, 113.]

June 20. Office of Ordnance

570. Ordnance Office to the Council of Trade and Plantations. Now that His Majesty has positively directed what arms shall be sent to New York for presents to the Indians, we shall give all possible dispatch in providing them. If the gunmakers are to be relied on, they will be ready by Monday at furthest. *Signed*, C. Musgrave, Ja. Lowther, Wm. Boulter, Jon. Charlton. *Endorsed*, Read 26th June, 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 9.]

June 20. Hampton Court.

571. Order of King in Council. Approving the draft of a letter to the Governors of Plantations, prepared by the Council of Trade and Plantations, for seizing the *Beckford* galley, etc., and directing the Earl of Jersey to prepare the said letters for His Majesty's Signature. *Signed*, John Nicholas. *Endorsed*, Reed. 1st July, Read 24th ditto, 1700. ¾ *p.* [*Board of Trade.* Plantations General, 5. *No.* 72; *and* 35. *pp.* 308, 309.]

June 20. Hampton Court.

572. Order of King in Council, referring to the Council of Trade and Plantations, to consider whether Capt. Elias Haskett be fitly qualified to be Governor of the Bahama Islands, without relation to any security. *Signed*, John Nicholas. *Endorsed*, Reed. 24th, Read 25th June, 1700. ½ *p.* [*Board of Trade.* Proprieties, 5. *No.* 60; *and* 26. *p.* 237.]

June 20. Whitehall.

573. William Popple to William Lowndes. The Council of Trade and Plantations desire you to move the Lords Commis-

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sioners of H.M. Treasury to direct Mr. Baker, Solicitor of the Treasury, to expedite the Commissions ordered to be prepared for the trial of pirates in the Plantations. [*Board of Trade.* Plantations General, 35. *pp.* 299, 300.]

June 20. Whitehall. **574.** William Popple to Mr. Attorney General. The Council of Trade and Plantations command me to send you the following extract of the proceedings of the Admiralty Court of Carolina relating to an appeal from the condemnation of the *Cole and Bean* galley; "Mr. Henry Wigington, in behalf of Mr. Butler, made a motion for an appeal, but being able to produce to the Court neither law nor preecdent for an appeal, where a ship and goods were condemned and disposed of by a penal statute, the Judge was of opinion that there lay no appeal in this case, where a vessel and goods were condemned and distributed by a law where no essoin, proteetion or wager of law was to be allowed"; and thereupon to desire your opinion whether the owners and freighters of that ship have not a right of appeal, either to the King in Council, or to the High Court of Admiralty, and whether they may not bring their said appeal either before His Majesty in Council or before the High Court of Admiralty, which they please. *Signed*, Wm. Popple. *Copy.* 1 *p. Inscribed on back*, I am of opinion that an appeal in this ease doth properly lie before the King in Council. *Signed*, Tho. Trevor, June 22, 1700. *Endorsed*, Reed. Read June 25th, 1700. [*Board of Trade.* Proprieties, 5. *No.* 61; *and* 26. *pp.* 235, 236.]

June 20. **575.** Minutes of Council of New York. Memorial of Charles Oliver, High Sheriff of the City and County of New York, read, and ordered that a Proclamation issue for the apprehension of Ducie Hungerford, who, being arrested at the King's suit, had broke gaol and escaped. Warrants of request ordered to the neighbouring Governments to seeure him.

Surveyor ordered to lay out for Peter de la Noy a pieee of ground in the eity of New York between Stone Street and the Bridge Street, the house of Peter Dereymer being on the one side and the house of the widow Goose on the other, the same having been given on good considerations to him by Sir Edmund Andros.

Accounts of Abraham de la Noy and Engelbert Lott ordered to be audited.

Petition of Evert Byvank, in behalf of himself and the trustees of the freeholders of Westehester, read. Ordered that the petitioners and the inhabitants of East Chester be served with copies thereof and give in their answer in a fortnight.

567*l.* 10*s.* 4½*d.* ordered to be paid to Dyrk Vandenburgh, bricklayer, for work done and materials used in the buildings of Fort William Henry, June 18, 1698–April 27, 1699. [*Board of Trade.* New York, 72. *pp.* 320, 321.]

June 20. **576.** Minutes of Council in Assembly of Massachusetts Bay. Bill to prevent abuses to the Indians read a third time, passed and sent down.

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Bill to prohibit the exportation of raw hides, upper leather and tanned calf-skin, sent up by the Representatives, was read a first time.

The Board concurred with the vote of the Representatives upon the petition of Bilrica, appointing a Committee to settle the lines between that town and the farms of John and Robert Blood, and the line between Bilrica and Concord and Chelmsford.

The Board concurred with the vote of the Representatives, recommending, upon the petition of Samuel Gill of Salisbury for assistance in obtaining the liberty of his son, Samuel Gill, and others, captives in the hands of the French and Indians, that His Excellency and Council take such care for their recovery as shall seem meet.

Report of the Committee on the matters contained in the Address to His Majesty read.

June 21. Above report again read, amended, and sent down to the Representatives.

The Representatives concurred with the resolve of the Board that, as the Commissioners from Connecticott have not thought fit to accept the proposals of this Court, some meet persons be appointed by His Excellency in Council to find the southermost part of Charles River and of any and every part thereof, as also to endeavour to find the southern line of the late Colony of the Massachusetts Bay, as anciently run by Nathaniel Woodward and Solomon Saffery.

Petition of the elders of the French Church in Boston for assistance for their minister recommended to the Representatives.

Report of the Committee, appointed to consider methods to obviate the industry of the French Missionaries in debauching of the Indians, and what may be necessary to bring again the Eastern Indians under His Majesty's obedience, read. Those articles in it which were agreed to were sent down to the Representatives for their concurrence.

A Bill in addition to the Act intituled an Act for the equal distribution of insolvent estates, sent up from the Representatives was read twice and committed. In Committee it was agreed that the Bill as worded be rejected and a new Bill of like import be drawn up.

Order for making the Plantation called Framingham a township was passed and sent down.

Bill repealing an Act for building with brick or stone in Boston, sent up by the Representatives, was read a first time. [*Board of Trade.* New England, 49. *pp.* 368–371.]

June 21. Whitehall. **577.** Council of Trade and Plantations to Governor the Earl of Bellomont. We acquainted you, May 10, with what we had proposed relating to the Indians, and are now to inform you that all is done accordingly, viz., 500*l.* paid to Mr. Champante, to be remitted you towards the building of a sod fort in the Onondage country, and subsistence money also paid him for the soldiers from April 24–June 19. He has likewise

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found means to provide clothing for them and is shipping it by H.M.S. *Advice*, together with 400 light fuzils and a suitable quantity of lead and powder, as also cloths and other necessaries, to the value of 800*l.* in all, for presents to the Five Nations. The reason of sending so large a proportion of arms was the better to remove the jealousy that has been raised amongst them of a design to disarm them. Your Lordship will therefore take care to deliver them, more or less, at once or at several times, as you shall in your own prudence find most proper to effect that end and settle them firm in their allegiancie to His Majesty. In order to the execution of the recent Act for the more effectual suppression of piracy, Commissions are now passing to be sent to all the Plantations. His Majesty having been informed that the Government of Algier had declared their resolution to direct their cruisers to require Admiralty Passes pursuant to the Treaty with them in 1682 from all the ships of His Majesty's subjects that they should meet with in and after September next, and it being apprehended that they may cruize in the way of our Plantation Trade, more than they have formerly done, so that all ships, not only to and from England thither, but also from one Plantation to another will need to be provided therewith, care has been taken here for preparing of Passes and regulating the distribution thereof in the Plantations with all possible diligence, in which, as we have done our parts, we doubt not but you will accordingly receive both passes and rules relating thereunto from the Admiralty. We send copies of the Dey's letter, Ap. 14, 1699, and the Consul's letter, Ap. 13, 1700.

His Majesty having referred to us a petition by Mr. Crouch and other merchants, setting forth that the *Mary*, designed with pipestaves and other timber from New England to Portugal had been stopped there by your authority and not permitted to proceed on that voyage, we enclose a copy thereof and of H.M. Order in Council, May 9, directing that she be permitted to proceed on that voyage. His Majesty has been pleased to appoint Mr. Atwood to be Chief Justice, and Mr. Broughton to be Attorney General of New York. We are giving them all the assistance we can towards the dispatch of what may be necessary for them. The Acts of Assemblies of all the Provinces under your Government lie yet in the hands of Mr. Solicitor General, but we are every day in expectation of those of New York, and when we receive them shall use all the dispatch we possibly can in our report thereupon, and press for the rest out of his hands, that we may dispatch them likewise. We have found an inconvenience from some of H.M. Plantations in having private Acts fastened together under the same seal with those that are of a public nature, the one proving sometimes an obstruction to the dispatch of the other. We therefore desire you to take care hereafter that all private Acts be sent, each of them, under a separate seal, and that the persons concerned in any such private Acts do direct some of their friends here to solicit their dispatch with the Attorney and Solicitor General and instruct them so that they may be able to give information in any doubts or enquiries that may be made thereupon.

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His Majesty having lately required us to lay before him a state of what allowances have been heretofore made by the Provinces of Massachusetts Bay, New York, and New Hampshire for the maintenance of their respective Governors, and what may now be expected from them, in order to his giving such directions as he shall judge fit for your Lordship's support in those Governments, we enclose a copy of our Report, but are not yet acquainted with the resolution that has been taken upon it. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Locke, Abr. Hill, Geo. Stepney. *P.S.*—June 22. Since finishing this letter, we have received His Majesty's further commands to lay before him an account of the presents that have been made your Lordship by the respective Provinces under your Government. We send you a copy of the Representation we have prepared. [*Board of Trade.* New York, 54. *pp.* 241–246; *and* (*corrected draft*) 44A. *No.* 45.]

June 21. **578.** Journal of Council of Trade and Plantations. Letter from Lord Jersey, June 17, read. Directions given for a representation accordingly.

Letter to Lord Bellomont signed.

June 22. Representation, relating to the presents that have been made to Lord Bellomont by the Provinces under his Government, signed and transmitted in a letter to Lord Jersey. Copy thereof ordered to be sent to Lord Bellomont with a postscript to the letter signed yesterday. [*Board of Trade.* Journal, 13. *pp.* 87, 88; *and* 97. *Nos.* 114, 115.]

June 22. Office of Ordnance. **579.** Ordnance Office to the Council of Trade and Plantations. We have given notice to Mr. Champante that the arms and stores for New York are ready, that he may apply to the Admiralty for orders to have them taken on board H.M.S. *Advice*. *Signed*, C. Musgrave, Ja. Lowther, Wm. Boulter, Jon. Charlton. 1 *p.* [*Board of Trade.* New York, 10. *No.* 10.]

June 22. Boston. **580.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I hope in this letter to give an account that will be as pleasing to your Lordships as it will be serviceable to England, though I confess I write under all the disadvantage and discouragement imaginable, for to this hour I have no orders upon the several letters I writ about Naval Stores, about the ill posture of affairs in the Province of N. York, about the right of nomination of officers and the extravagant waste of woods in N. Hampshire. In my former letters I sent my scheme by piecemeal for furnishing all the King's dominions with Naval Stores of all kinds, except flax and hemp, being interrupted in my thoughts by other business. In my first letter on that subject, Ap. 17, '99, I meet with one mistake, where I say that the women and children will be able to make tar in the Province of New York, for that 'tis but tapping the pitch-pines and the liquor will run out in great quantity, but I misunderstood M. Bernon, who has since explained to me that he meant turpentine I

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have been very inquisitive of all people that I heard had any insight in making tar, etc., and I find other people's notions agree with mine, viz., that the cheapest and surest way of making tar will be with soldiers, that the pay I proposed for them, 12*d.* a day, will be very reasonable, that sequestring 12*d.* per week to be improved for every soldier in trade, and that to be laid out for the soldiers' benefit at seven years' end, to build 'em houses and buy 'em necessary furniture, and some few cattle to begin the world with and stock the 40 acres of land I proposed for each soldier. I am more confirmed than I was of the certainty of making tar to serve the King and all his dominions, being assured by several hands that 'tis a thing of great yield where there are a number of hands to assist one another. If Mr. Bridger may be credited, who has made tar in N. Hampshire and sent it to England with the other specimens, a number of men will with ease make a barrel of tar a day all the year round for each man's share, which is 37 ton and 6 barrels of tar, at which rate 600 soldiers will make 22,650 ton of tar a year, which one would think would more than suffice for all the King's dominions yearly, yet the making pitch will cause a great diminution of tar. There comes good store of tar and pitch hither from Carolina, as appears by the cocketts, which I never fail to examine carefully, as well as into the prices of both. Nicholas Meers, master of a vessel, brought lately from South Carolina 70 barrels of tar and 26 of pitch. He told me he had bought tar there this year for 5*s.* 6*d.* per barrel, but that when he came from thence it was so much in demand, and several vessels from the neighbouring Plantations waiting to load with it, that it was risen to 7*s.* 3*d.* per barrel. His 26 barrels of pitch cost him 17*s.* 6*d.* per barrel. I asked him the reason of the disproportion of the price of pitch, because he had told me that a barrel of pitch was made out of a barrel and two-fifths parts of a barrel of tar. He said he could give no good reason for it, but that the people in Carolina were not fond of selling tar but rather pitch, because they got most by it. Oak casks there cost 16*s.* per ton: here and at New York I can have casks of pine (which will do full as well) for 12*s.* per ton. I asked him about the value of money in Carolina, as a thing proper for me to know, to make my computation more just; he told me there was much disorder in that, that the dog dollars, Rix dollars and the Seville, pillar, and Mexico pieces of eight have a currency there, but are not at a fixed standard in value, they going with some people for more, with others for less.

There are twenty merchants in this town that trade to Carolina, and not any two of 'em agree in their accounts of the money there; by that of Mr. Meers the money there is about 16 *per cent.* worse than 'tis here, and the money here worse than sterling by 30 *per cent.*, so that a barrel of tar costing 5*s.* 6*d.* in Carolina money is no more than about 3*s.* English, whence I infer that tar is a thing of great produce, otherwise it could not be afforded so cheap, where labour must be as dear as in the Province of New York, Carolina being a later Plantation. Besides, he told me the barrel was given in

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with the tar. In Whiston's price current, Jan. 15 last, I find Stockholm tar sold at 11*l.* 10*s.* per last, and pitch at 14*l.* A ton, then, of Stockholm tar is 7*l.* 13*s.*, and a ton of Carolina tar 2*l.* 4*s.*, besides the great difference of the money, and the price of labour—that of soldiers at 12*d.* per day sterling being almost ⅔ parts cheaper than the common price of labour in my Governments, which is 3*s.* per day this money. I cannot conceive that tar manufactured by soldiers in New York as I have proposed can cost the King more than 4*l.* per ton, freight included. I take it for granted you will agree with me that it will be much the best way to manufacture the tar into pitch in England, because of the advantage of employing hands to work in England, rather than abroad. I am told that at present all Naval Stores which we have from Sweden and Denmark are paid for in specie carried from England, above 100,000*l.* *per annum*, whereas I would undertake to pay for all the Naval Stores from New York and New Hampshire with the manufactures of England. (*Summarises and repeats advantages of his scheme, 2 pp.*) Our next neighbour Colony of Conecticut make and export a pretty good quantity of tar and pitch every year, but 'tis dearer than in Carolina. I discoursed over my scheme with Col. Hamilton, Governor of the Jerzies, who was lately here. He refined on my project and brought me a scheme of his own. (Copy enclosed.) 'Tis utterly impracticable to prevail on with these Plantations to raise the quotas of men and money he proposes. In this Province I would as soon undertake to reconcile 'em to the Mass as to such a contribution as he proposes for their proportion of the charge. If these Plantations could be reconciled to the charge of maintaining a thousand men for the ends aforesaid, I think it would be most unpolitick in the Crown to suffer these Plantations to provide and maintain their own guard. It would be to put an opportunity in their hands of setting up for an independance on the Crown, which 'tis much to be feared all these Plantations on this whole Continent have too much propensity to. Everybody knows that common soldiers always fight for those that pay 'em, without examining the justice of the quarrel.

By enquiry at Pescattaway last summer I learnt by degrees enough to convince me that the King may be much cheaper furnished than he is at present with all his masts, yards and bowsprits, and with all the principal timber for ships of war. The secret lies chiefly in this, that if the King will employ three or four ships of his own, the greatest part of the charge will be saved. I send you a copy of Mr. Taylor's contract for masts, yards and bowsprits. Mr. Bridger's answers to my queries, enclosed, will show the charge of building a hag-boat of 500 ton at Pescattaway for the King for carrying his masts, etc., and sailing the same. I desired Mr. Bridger to give me the prices of the principal ship-timber as sold in the King's yard at Portsmouth, where he served his time. He told me he put very moderate prices on the several sorts. In his memorial, enclosed, answering my queries, he undertakes to save the King 2,930*l.* 19*s.* in every ship-load of masts, of what is paid to Mr. Taylor. Two ships of the King's

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own making two voyages a year from Pescattaway to England will gain him 11,723*l.* 6*s.*, if the Navy require so many masts. I believe I shall as easily make it appear that the principal ship-timber for building his ships of war will be sent home in the King's own ships for very near half the prices those sorts of timber cost the King at this time in his yards.

That which has induced me to set about these estimates, is the desire I have of taking off from the King the present charge of a 4th and 5th rate men-of-war for this Province and New York, which piracy and unlawful trade have made a neeessary charge. I have learnt from Rear Admiral Benbow that 'tis a rule in the Navy that 3*l.* 15*s.* per man per moneth pays all charges whatsoever, wages, stores and wear and tear; at which rate a 4th rate frigat, 235 men, and a 5th rate, 135 men, stand the King together in 17,062*l.* 15*s.*, reckoning 13 moneths to the year, which is the custom in the Navy. Three fly-boats or hag-boats of the King's own and of 500 tons each will, by carrying home masts and ship-timber, save the above charge of the two frigats.

I verily believe all the Eastland trade, except for flax and hemp, may be turned to these Plantations, and all masts and ship-timber for the use of the dominions of the Crown furnished cheaper than they now sell in England. With a good regulation here will be a lasting store of all those things to the end of the world. This Province and N. York, and Conecticut, as well as N. Hampshire abound with excellent ship-timber of all sorts.

And now, my Lords, I appeal to you whether the advantage I have proposed by these Plantations to England be not preferable to the selling almost all the lands in the province of N. York to Col. Fletcher, and all N. Hampshire and a great part of this Province to Col. Allen. For whoever contrived that clause in Col. Fletcher's Instructions, which gave him an unlimited power in the disposition of those lands, (and that directly contrary to precedent in other Governors' Instructions) may be truly said to sell those lands and therein to betray the King and kingdom in a very high degree. I also call it selling N. Hampshire and a great part of this Province to Col. Allen, for that Mason, under whom he claims, had no opinion of his own title is very plain, having offered to sell it for 100*l.*, as Col. Pynchon's deposition does so far make out as to satisfy any indifferent man, though it would not be allowed a direct proof in law, because the offer was made by a third hand, Dr. Owen, a Presbyterian Minister. Then for Col. Allen's title I send you Col. Hutchinson's deposition tied up with Col. Pynchon's; they are both members of H.M. Council of this Province and both of good reputation and substance. I have reason above other men to believe Col. Allen's title is defective, having been much urged to be bribed to favour his claim. There was an offer made me of 10,000*l.* in money, and that Col. Allen should divide the Province of N. Hampshire with me; but I thank God I had not the least tempting thought to accept of the offer, and I hope nothing in this world will ever be able to tempt me to betray England in the least degree. This offer was made me three or four several times, and I am able to

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swear to time and place, and besides I have some letters from a certain man that mention enough to corroborate my testimony. I presume you will not have the better opinion of Col. Allen's title. The lands and woods claimed by him are much more valuable than ten of the biggest estates in England, rated at 300,000*l.* apiece, which is 3 millions. By his own confession to me at Pescattaway last summer, he valued the quit-rents of his lands, as he called them, at 22,000*l.* *per annum* at 3*d.* per acre or 6*d.* in the pound of all the improved rents. Then I leave to your Lordships to judge what an immense estate the improved rents must be, which, if his title be allowed, he has as good a right to as to the forementioned quit-rents. And all this besides the woods, which I believe he might very well value at half the worth of the lands. There never was, I believe, since the world began so great a bargain as Allen has had of Mason, if it be allowed to stand good, that all this vast estate should be purchased for a poor 250*l.*, and that a desperate debt too, as Col. Allen thought. The consequence of his claim may prove highly prejudicial to England; he pretends to a great part of this Province, as far westward as Cape St. Ann, which is said to take in 17 of the best towns in this Province next to Boston, the best improved land, and, I think Col. Allen told me, 8 or 900,000 acres of their land. If Col. Allen shall at any time go about to make a forcible entry on these lands he pretends to (for to be sure the people will never turn tenants to him willingly) the present occupants will resist him and any force he shall bring, and the Province will be put into a combustion, and what may be the consequence I dread to think. I much fear in such a combustion all these Plantations would hold together and take fire, like a train, from one end to 'tother. I believe it would provoke the patientest of us all, that after 50 or 60 years peaceable possession of an estate in this Province, improved by our fathers' and our own industry, such a Proprietor as Col. Allen should drop out of the clouds to oust us, as the lawyers call it.

'Tis most amazing to me how dust has been thrown so many years together formerly in the eyes of the King and the nation, that the value of these Plantations to England has not been seen into. I will make it appear undeniably that by a right management of them, England shall employ 1000 stout ships of burthen and 20,000 seamen more than she now employs, and besides other advantages, these Plantations shall be for ever secured in a dependance on the Crown. But more of this in another letter shortly.

A person in this town tells me he has advice from England, that the Eastland Marchands began to be alarmed at the talk that has been of late in London of furnishing Naval Stores from these Plantations, and that it was believed they would oppose that design as much as in them lay; and also that the specimens of tar and timber sent by Mr. Bridger from N. Hampshire were not without enemies that decried and run them down.

'Tis highly necessary your Lordships should prevent the intended cozenage of the Crown in the countenance given to Col.

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Allen's claim. 'Tis abominable that the Crown should be defrauded of these lands and woods, of inestimable value. An Act of Parliament ought to pass for vacating all extravagant grants of land by Fletcher, in New York, and of all other Governors, and to put all those lands under a good regulation. The same Act should also vacate Col. Allen's pretended title, and vest all the lands in N. Hampshire in the Crown, with a saving for all the inhabitants for their lands which they have improved, paying a reasonable yearly quit-rent to the Crown. I believe there is not a man of 'em that has taken in and cleared from the woods 500 acres of land. The same Act should under great penalties bar them from sending any timber or lumber to any foreign country, and should oblige 'em to enter into bonds for four times the value of the cargo to carry the timber within the King's dominions. And a clause should be inserted which shall oblige everybody that cuts down a tree to plant 4 or 5 young trees in its stead, which I have heard is the custom in Norway. The waste of the woods in N. Hampshire is so very great, that Mr. Bridger assures me they are forced to go 20 miles up into the country to get a good mast for the use of the Navy. I am told the inhabitants have taken in what tracts of land and woods they pleased, to which they have no better title than Col. Allen has. I hope there will be a strict inquisition into that, and that none of 'em shall be allowed any property in the woods otherwise than as a common tenant right, viz., fireboot, hedgeboot, and house and plough-boot. For there must be in my opinion such a course taken as that all the King's subjects shall be allowed to cut and carry away such timber as they shall have occasion for, gratis ; they to pay for the labour only and the planting 4 or 5 young trees in the room of that cut down. And there ought to be a restraint on all persons, on pain of paying a good fine, not to cut any tree that is marked for the use of the Navy. Several other clauses will be necessary, as for example, no tree to be cut but when the sap is in the root. Therefore the penning such an Act will require great care. *Complains that he has had no answer to his letters of a year ago.* Another trouble I have is to see the French are undermining us and getting away all our Indians, and I in no capacity of preventing their artifices, but things so managed as if the game were playing into French hands ; the frontiers neglected, the soldiers reduced and no care taken to pay 'em. When I consider these things I cannot but laugh at myself for continuing to trouble your Lordships with a scheme for making Naval Stores and making these Plantations useful to England, at a time when all the Plantations are on a precipice of ruin. I am so far from being able to build forts or repair 'em, that I am not able to live on the poor appointments of these Governments. Major de la Vallière and a gentleman in this town that has lived in Canada both agree that the Governor of Canada has 28,000 *livre* a year, duly paid from France by the King. Then he has several perquisites, the chief whereof is the permits or "congés" he grants to people to go a beaver-hunting for so many months and within such a quarter or canton of the country.

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These *congés* sell for more or less ready money according to the time granted and the part of the country. A person that obtains one sells it to a marchand at Quebec for 200 *pistoles* or more. The Governor is allowed by the King to dispose of 30,000 *livres* in these *congés* without account, wherein I suspect there's a secret service they are sham'd of; 50 crowns was the price of every scalp the French or their Indians carried to the Governor, whether they were Englishmen's scalps or those of our Indians, as I was told, and as I charged the Count de Frontenac in a letter I writ to him. I could never yet certainly know what his emoluments were reckoned at; some have told me 10,000 *pistoles* a year, some 8,000, other 6,000. M. de Champigny, the Intendant of Canada, has a salary of 12,000 *livres*, paid in France also by that King, and his perquisites reckoned at 6,000 *livres*, which in the whole is about 1,500*l.* sterling a year. He has a better time on't than the Governor of N. England with his three Provinces, for I have not yet seen near 1,500*l.* sterling in one year. The French Colony of Canada, tho' a paultry one in comparison of these Provinces, is allowed a Judge at 1,000*l.* a year salary, and I cannot prevail with all the interest I can possibly make to be allowed a Judge for N. York and N. Hampshire; and without a good Judge and Attorney General 'tis utterly impossible for me to bring N. York and N. Hampshire into good order.

I send Col. Romer's Memorial, which I have turned into English. *Refers to various maps and designs enclosed.* If the King will keep these Plantations from the French, I must take the liberty to say, he must necessarily be at the charge of building several forts, both on the frontier of N. York and to the eastward of this Province. I hope the Assemblies of this Province, N. York and N. Hampshire will contribute largely according to their ability, and I believe, if the King did write to all the several Governments, to stir 'em up to a contribution for the building such forts as are necessary, it would so operate with them that money would be raised that would defray a great part of the charge, for all their security from S. Carolina to the eastermost point of this Province, which ought to be the River of Ste. Croix, is bound up in the preservation of the Five Nations of Indians in amity with us, and trying to rescue the Eastern Indians from the French, which, could I call myself a free agent to have some money at command to dispose of at my own will and discretion, I believe I could yet accomplish, as late as it is, and notwithstanding the opportunities and advantages we have given the French of gaining the Indians to the eastward by our want of care, and indeed of justice and kindness to them, which I will hereafter acquaint you of. If it be thought advisable for the King to write to the several Plantations to contribute to the charge of the forts, I know His Majesty's letters will have the surer effect if they be directed to the Governors and General Assemblies of all the Plantations. It will require, according to Col. Romer's and my calculation, 29,000*l.* sterl. to fortify the frontiers of New York, and this province to the eastward, not

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counting the harbour of this town. The King shall not be cheated of a shilling. I hope half or more of the sum will be raised by contribution of all the Plantations, if the King will please to send his circular letters to them : and the sooner the better. I shall by the next opportunity send your Lordships the calculation we have made, the places where we conceive forts are necessary and what each will cost. I have it now by me, but it will require some reasoning to enforce the necessity of building these forts speedily, and that would lengthen this letter, which I fear you will think is too long already.

I have been provoked in my speech to the present Assembly to reflect on the management of the late Reigns in parting with Canada and the Eastern Country and Fishery to the French, the worst of neighbours. King Charles I gave 'em Canada, and King Charles II the eastern country in exchange for half of the Island of St. Christopher's. Forty such islands are not equivalent to the Eastern Country. Therefore when the King is moved to consent to the charge of fortifying the frontiers and His Majesty regrets the charge, I could wish he were put in mind that all this disturbance and the charge of fortifying proceeds from the most unaccountable conduct of his predecessors on the Throne, and their fondness of the French interest. M. Denys's letter to the French King shows what use the French intend to make of the Eastern Country, but if we carry our bounds to the River of Ste. Croix, which of right we ought to do, they will be disappointed of their project of sending masts, ship-timber and tar and pitch to France, for the country to the eastward of Ste. Croix is said to be a barren sand for some miles into the country all along that coast. Capt. Southack, commander of the *Province* galley, commanded a private ship of war during the last war, and took M. Denys prisoner, and with him seized this letter.

The Government of Rhode Island continue their irregularities with more boldness than ever. I am wholly passive in concerning myself with them, but when people they oppress come with petitions, I think I am bound to transmit their complaints to your Lordships. If a speedy course be not taken to prevent it, there will be some lives lost in the quarrel between that Government and the people of the Naraganset country.

Mr. Bridger tells me he had shipped about 8,000 pitch pines to make tar of, and some malicious people have set fire to the woods where those trees stood, and burnt 'em all down. Mr. Partridge made a journey hither t'other day, and I have accepted of his bond in 3,000*l.* that his ship sail directly to England, where she shall give your Lordships notice of her arrival, and the King the pre-emption of her load of ship-timber at the market rates. This I thought absolutely the best way to secure the timber, since your Lordships have not sent me any orders upon my former letter. The original bond I will send by the frigat when she goes home, being unwilling to venture it by this ship. I am told there never was nobler ship-timber than this which Mr. Partridge had provided for Portugal, and I hope your

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Lordships will take such a course as that the King will not miss of it. Mr. Partridge's folly in discovering what a profitable voyage his ship formerly made to Lisbon, of which he cracked to everybody, viz., that for less than 300*l.* this money he cleared 1,600*l.*, has set all the country agogg, so that some marchands of Salem are now loading a ship with 12,000 foot of the noblest ship-plank that ever was seen in America. 6,000 foot of 'em are 4-inch plank, and 6,000 3-inch and 45 foot long, and scarce a knot in any of 'em. They were designed also for Portugal, but I have taken such a course as that the King shall have 'em of the marchands' carrying or of my sending. I have told one of the owners, I would not suffer any ship-timber to be carried to a foreign country, and that he and his partners must resolve either to send their ship and timber to England upon the same terms as Mr. Partridge, or sell the timber to me for the King at the price it stands them in, and he has promised it shall be so.

Your Lordships may see by this what vigilance is necessary to a Governor of these Plantations, and what an eternal trouble I am at in contending for the interest of England with the people in my three governments. Perhaps I may hear hereafter that the 7 or 8 very worthy petitioners to your Lordships against me for maleadministration at New York may trouble you again upon the score of my stopping this ship-timber, and call it an arbitrary way of proceeding; but if they knew what peace of conscience I have upon my whole conduct at New York and here, and how much I despise them, they would not trouble you with any more of their clamours. I shall take another time to answer their unjust reproaches, when I have time to answer your letter of Aug. 21. Another use I would make of these accounts of ship-timber is that since 'tis so very profitable to marchands to export it from these Plantations, why not to England for the use of the Navy and all England? For a conclusion, I humbly and earnestly recommend the vacating Col. Allen's pretension to N. Hampshire and all other claim derived from Mason, which with Col. Fletcher's grants of the lands of New York are an abomination and mistery of iniquity. Yet I would have the charity done Col. Allen to reimburse him the 250*l.* mortgage money, which Mason had of him. *Signed*, Bellomont. *Endorsed*, Recd. Aug. 9, Read Aug. 13, 1700. *Holograph.* 19 *large pp. Enclosed,*

580. i. Abstract of preceding. 4½ *pp.*

580. ii. Copy of Col. Hamilton's scheme, Feb. 14, 1699 (1700), for the maintenance of soldiers in the Plantations by employing them to purchase Naval Stores for the King on the land about the frontiers, the inhabitants to pay them by a yearly poll-tax of 15*s.* per head. 2½ *pp.*

580. iii. Prices of masts, etc., that Mr. Taylor contracted for with the Navy Board. 1 *p.*

580. iv. List of queries by Lord Bellomont as to the cost of transporting masts and ship-timber from Piscataqua to England. Boston, April 4, 1700. *Copy.* ¾ *p.*

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580. v. Replies to above enquiries by John Bridger, Agent for Naval Stores. *Copy.* 2 *pp.*

580. vi. Prices of masts, etc., which Mr. Bridger offered to contract for with the Navy Board. *Copy.* 1 *p.*

580. vii. Lengths and prices of ship-timber. *Copy.* ½ *p.*

580. viii. Capt. Belcher's estimate of the charge of sailing a vessel of 500 tun. Wages and victuals for a year of 12 months (in the King's Navy there go 13 months to the year, but with merchants but 12 months): 1,068*l.*, wear and tear, 210*l.* Total, 1,278*l.* *Copy.* ¾ *p.*

580. ix. Memorial of Col. Romer to Lord Bellomont touching the Five Rivers. Boston, April 11, 1700. In obedience to your order, I embarqued at Boston, July 28, on board the *Province* galley and arrived in Piscataqua River next day. The fortification on the Island is extreme bad and incapable of defending the entrance into that noble and important river, not being sufficient to endure three or four days' attack of an enemy. The place where the fort stands is very proper, if there were defensible works built, the importance of the river and growing trade of the place requiring it. But besides that, a good strong tower on the point of Fryers Island, a battery on Wood Island and another single battery on Clark's Island would be very necessary. As for the Great Island on which Newcastle stands, a good redoubt near to the Horse-Ferry would be very convenient for maintaining a correspondence between the Great Island and the mainland. I arrived in St. George's River, Sept. 7th. The river is difficult of entrance, not only because of several islands, but also rocks which lie under water; once within these we found fair, large bays, where ships of 150 tun could ride. About those bays we perceived good store of rich land, fit for habitation and improvement, but which was never inhabited by other than Indians. On the outside of the largest of the islands, there are several Plantations, deserted by means of the late war. There is little timber thereabout fit for building ships. The coast adjoining is reckoned extraordinary good for fishing; the French have taken the best part of it, which is from the River of Penobscott to that of Ste. Croix; the latter is said to have been the boundary between N. England and Nova Scotia before Nova Scotia and Accadie were delivered to the French by Sir Thomas Temple.
Pemaquid River is nine leagues to the westward of St. George's. The entrance is spacious and without any danger for ships to go immediately into safe harbour from the main sea, there being but two leagues from thence to a point called the Barbekin, close by the fort. The land of Pemaquid is much better than that

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about St. George's. There was there formerly a village of 36 well built houses on a neck of land, where stood the fort, and there were many farms and farmers in the neighbouring country. 'Tis supposed that had peace continued Pemaquid would have been a place of importance because of its fishery, its trade with the Indians and the trade which would have arisen from the productions of the country. Besides, this place is considerable because of its frontier, which covers and shuts in the rivers of Damarascot, Sheepnott and Kennebeck. The French have entirely demolished the Fort of Pemaquid, which seems to have been extremely ill-built and not defensible. There was no order observed in building it; its walls were made of clay mixed with sand brought from the sea-shore, instead of lime, insomuch that when the French besieged it, the Commander having ordered two great guns to be fired, the wall of the Fort was so very much shaken, that he was forced to have it supported with great beams of timber, which was partly the cause that the place was shamefully surrendered to the French. This was the Fort which the country were made to believe was impregnable, the loss of which disheartened them extremely and made the inhabitants desert the whole eastern country. For the better security of this frontier and its port, I am of opinion there ought to be a good fort built much about the same place and care taken for conveying in fresh water for the garrison. The defence toward the sea ought to be lower down than formerly, and there should be a good battery, guarded by a redout or round tower on John's Island, and another battery of six pieces on Cuckold's Point.

Kennebeck River is a fine one and convenient for great ships, when they are once got two leagues within the islands that are before its mouth. The river is navigable for great ships as far as Newtown; higher up 'tis somewhat hazardous by reason of the little islands and rocks and its rapid course. As to the soil, that of Rownik Island, on which Newtown formerly stood, is very good, and so is the land that lies towards the west and south-west along the river. There was never any other fortification but that at Newtown, which was a small square fort palisadoed. I have marked on the chart the places that ought to be fortified, not only for the defence of the mouth of the river, but also for that of the river itself within the country, and this last I hold very necessary, because the savages have two forts at the head of the river, which are called Naridgewack and Comesoquantick. They have two Jesuits in each fort, which do great hurt to the King's interest and that of the public,

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because they instil into those people hatred for His Majesty and his subjects. Before the war there was a palisadoed fort on Damarascove Island for defence of the fishermen, and a little higher there was another place called Capenewagin, where the people cured their fish, and two harbours lying open to the sea, where the fishermen secure their vessels from storms when they cannot get into Kennebeck River.

I find Casco Bay the noblest, as I do the country about it the fertilest that's in all New England. There are in this Bay a great many inlets from the sea: the Bay is covered from the storms that come from the sea by a multitude of islands, great and small, there being, if one may believe report, as many islands as days in the year. The chart will show the soundings wherein I was particularly careful. The French and Indians burnt the Fort during the late war; it was built of wood and very ill contrived, being so seated on a neck of land that it could not be relieved. And as it was ill built, so it was ill kept in repair. Yet in confidence of this Fort, people were encouraged to build a pretty large village called Falmouth, consisting of 46 houses and a good Church, but all lies now in ruins. There are still to be seen the remains of houses of two stories high, with stone walls and chimneys, and there are 180 farms, besides a great many fishermen's houses. 'Tis great pity that so fine a country should be deserted. In case it were to be resetled, I could advise a much more commodious place for building a town, and have marked it on the chart.

From Casco Bay I came to Winter Harbour, four miles from the month of Saco River, and went up in the pinnace as high as the first falls or cascades, where I found a small fort, ill seated and worse built; it was made of clay and sand, and the most considerable part of it, a small tower, ready to fall. The Fall makes so great a noise that one can scarce hear oneself speak. This place is not so much a frontier as a place of defence for the salmon fishing. The river is only deep enough for sloops. There must be a good redoubt a mile and a half from the Fall and a boom across the river to hinder the Indians in their canoes from coming round about the Falls and so to the sea, for which reasons we ought to be masters of the river, at the head whereof the Indians have a fort called Narracomecock, where they have also two Jesuits. Since the people of New England have enriched themselves by their fishing, which is their principal trade, it would be proper in my judgment to make a good battery guarded by a redout at Winter Harbour on Stagegut point, to secure their sloops etc.; which indeed ought to be done in several places on the

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Eastern Coast, where at present they have no sort of refuge to the eastward of Saco. The land along this river is very good and fertile, and well stored with woods for ship-building and houses. At the head of this River, above the first and greatest Falls, it takes its course N.N.E., where the last mentioned Indian Fort, which is built at some distance from the river, and the two former Indian forts, which I mentioned in the article of Kennebeck River, do center, all three within two or three days' journey of each other by which means the savages can conveniently correspond, and upon occasion draw together in a body. All these Indians were our cruellest enemies all the late war: they burnt Falmouth, besieged Wells, a village to W. of Saco consisting only in 10 or 20 houses which were fortified and well provided with provisions and ammunition, who, though they were besieged by 500 French Indians, forced them to retire with considerable loss, among others three of their best captains, one of whom was a kinsman of the Count de Frontenac. As a token of their revenge, having taken an old Englishman, they roasted him alive on a spit in sight of the English in garrison. This is one mark, among many others, of the horrible cruelty of French Papists and Indian infidels. *Signed*, Wolfgang Willm. Römer. *Copy.* 6 *pp.*

580. x. Col. Romer to Lord Bellomont, Boston, June 20, 1699. I herewith present a map of the Castle Island in the Bay of Boston and the Fortifications thereon. The batteries as well as the Fort should be made as here set forth. Boston, June 20, 1699. *Signed*, Wolfgang Willm. Römer. *Copy.* 1½ *pp.*

580. xi. Col. Romer's report upon the proposed new forts at Pemaquid and Piscataqua. Boston, Nov. 10, 1699. *Signed as preceding. Copy.* 1¼ *pp.*

580. xii. Col. Romer to Lord Bellomont. New York, Oct. 12, 1698. Demonstrates the proper method of preparing lime on the frontiers of New York. Encloses designs and estimates of new fortifications at Albany, Schanectade and Kanestigiouna "In New York are but about ten iron guns and some few brass ones to defend any sea-port; the rest are old and honeycombed, and those that are good are chambered or taper-bored, unfit by land and water. They were formerly, as I am told, rejected by the English Admiral, and they must be handled by persons that have a particular skill, else it may cost ignorant people their heads and arms. So that if a battery should be built under the Fort William Henry, as also a Blockhouse at Sandy Point, the same may in time be very necessary." *Signed, as preceding. Copy.* 3 *pp.*

580. xiii. Sketch of method of preparing lime. 1 *p.*

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580. xiv., xv. Duplicates of Nos. iii. and iv. (*May* 7.)

580. xvi. Joseph Pemberton, John Lewis and Edward C. Blening to Lord Bellomont. Newport, Rhode Island. Dec. 20, 1699. Narragansett Country, claimed by both Rhode Island and Connecticut Governments, is much oppressed by the former, who tax us and take our estates from us at their will. We were rated by them last summer a considerable sum to send an agent for England, which money according to an Act of Assembly was levied upon our estates, and since by the Government put unto other uses, contrary to an Act of the Colony, and now another sum required of us as they say by their late Assembly's Act for the same use. Wherefore, and because we did not know how soon we might be annexed to some other Government, many of us of the town of Westerly in a town's meeting shewed our dislike against their so arbitrary actions. Upon which a special Constable was deputed by the Governor of Rhode Island to apprehend us, and we were hurried to Rhode Island Gaol and there we remain until we comply with what they require. They refuse to show us a copy of the warrant by which we were apprehended. The Government of Connecticut, who have been courteous to us in not imposing any taxes on us, are much exasperated by these actions. We are now in a vacancy really under neither Government. *Copy.* 2 *pp.*

580. xvii. Capt. Christopher Almy to Lord Bellomont. Boston. April 15, 1700. At a Court of General Trials held at Newport, March 16, 1700, narrator was foreman of a Grand Jury, which twice returned a verdict of "Ignoramus" upon the indictments against Joseph Pembarton, John Lewis and Edward Blevin (*sic*) (xvi.). The Court had already added three more to the Jury, and now added six, and, in spite of protest and after many hours' debate, 12 of the 21 now agreed to bring in a Billa Vera, because the Court would not receive it otherwise. The Judges constituting the Court were Governor Cranston, Dep. Gov. Green, Walter Clarke, Robert Carr, James Barker, Gyles Slocom, Joseph Sheffield, Joseph Hull, etc. *Copy.* 2 *pp.*

580. xviii. Corroborative account of the proceedings at the trial referred to in preceding. *Signed*, Jo. Hearne. Boston, Ap. 17, 1700. *Copy.* 1 *p.*

580. xix. Earl of Bellomont to the Governor and Company of Rhode Island. Boston, April 22, 1700. I send you a copy of a letter from the Council of Trade and Plantations to you, whereof I find the original was sent by Capt. Jones, who, it is feared, has been cast away. I am troubled to hear of your proceedings against Mr. Pemberton, which I think is the most arbitrary and irregular I ever heard of, next to the taking away a man's life against law, and I doubt

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not but it will be so resented by the Government of England, that as many of you as sat as his Judges will be summoned to appear in England to answer for your behaviour. One would think, by your treatment of Mr. Pemberton and your sending an armed force to levy taxes in the Naraganset Country, you were weary of your Charter and had a mind your Government should be dissolved. *Copy.* 1 *p.*

580. xx. John Bridger to Lord Bellomont. I have for two years past bin in the woods near Piscattaway preparing trees for tar. On May 21 last I found most of them burnt, which fire was, I fear, designed, those woods not being usually burnt, or at least was not these two years past to my knowledge. I desire your assistance that the offenders, if found, may be punished. *Copy.* 1 *p.*

580. xxi. Copy of Wm. Partridge's Bond in 3,000*l.* referred to in Lord Bellomont's letter, June 4, 1700. 1 *p.*

580. xxii. Affidavit of John Pyncheon, of Springfield, Massachusetts Bay. Boston, June 12, 1700. In London, 1664, and again later, Dr. John Owen treated with him about purchasing Mr. Mason's right to lands in New England, particularly about the River of Piscataqua, now called N. Hampshire, for between one and two hundred pounds. The matter fell. *Copy.* 1 *p.*

580. xxiii. Affidavit of Col. Elisha Hutchinson of Boston, June 14, 1700. Deponent was in London, 1687–1689. With Mr. Partridge, now L.G. of N. Hampshire, he entered into covenants with Col. Samuel Allen, since Gov. of N. Hampshire, to enable Col. Allen to perform his contract with the Commissioners of the Navy to provide masts ; Col. Allen said he had lent John Mason, *alias* Tufton, about 250*l.*, for which Mason had left his original deeds as a pledge in his hands. Col. Allen often said he wished he had his money again, seeming to be out of conceit with Mr. Mason's title to N. Hampshire and other parts of N. England. *Copy.* 1 *p.* *Nos.* ii.–xxiii, *endorsed*, Recd. Aug. 9, 1700. [*Board of Trade.* New York, 10. *Nos.* 2, 2.i.–xxiii, (*Nos.* iii.–x. *and* xiv.–xxiii. *being Memoranda only*) ; *and* (*letter* and enclosure xii.) 54. *pp.* 299–341 ; *and* (*abstract only*) 45. *pp.* 83–93 ; *and* (*duplicates of Nos.* xvi., xvii., xviii.) Proprieties, 5. *Nos.* 63–65 ; *and* 26. *pp.* 299–307 ; *and* (*duplicate of* xix.) 26. *pp.* 308, 309. ; *and* (*copy of letter, without abstract*, xii. *or* xiii.), New England, 10. *Nos.* 45.i.–x. ; *and* ix.–xi. *only.* 38. *pp.* 100–165 ; *and*, *America and West Indies.* New Hampshire, 572. *Nos.* 3, 3.i.–xxiii.]

June 22 **581.** Governor the Earl of Bellomont to Mr. Secr. Popple. I have not left any room in my letter to the Lords of the Council of Trade, to acquaint them of a fresh alarm of the Indians leaving New Roxbury and New Oxford in this Province, and their houses and corn and removing to the Eastern Indians,

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This is taken for a forerunner of some mischief intended by them. I am much disturbed at the not receiving any letters from your Board or any of the ministers, since the letter you sent me Aug. 21, which I received not either till April 12th. Capt. Robinson, the master of a vessel belonging to this town arrived here a moneth ago from London. About a week before his departure he met Mr. Weaver at the Sun Coffé-house behind the Royal Exchange, who having with him a packet for Mr. Robinson desired he might have the bringing it, but Mr. Weaver told him he was ordered to send the packet to New York and not to Boston. Robinson saw him deliver it to one Jeffers bound to New York, and Jeffers gave it to the master of the Coffy-house to keep for him till he called for it. Now Jeffers having complained of me for detaining his ship at New York for my packet, and having a prejudice to me, 'tis to be fear'd there is some foul play that I have not those letters in all this time, for he was not arrived last Monday at York, and it cannot be less than 13 or 14 weeks since the time Robinson speaks of, and he says Jeffers pretended to sail within a day or two after. I should be glad you would enquire who gave Mr. Weaver those strange orders to send the packet to New York; and I wish you would please to move their Lordships that Mr. Weaver and Mr. Brenton be ordered to come away immediately to their respective posts. Their loytering in England so long from their duty is upon no score to be justified. *Signed*, Bellomont. I desire you will communicate to their Lordships Capt. Alden's relation to me. *Endorsed*, Reed. Aug. 9, Read Aug. 14, 1700. *Holograph.* 2¼ *pp. Enclosed,*

581. i. Capt. John Alden's narrative to the Earl of Bellomont, June 13, 1700. Capt. Alden told me he was newly returned from Penobscot River to the eastward, where he discoursed with M. de Saint Castin, a French gentleman that lives there, and with whom he has traded several years. M. de St. Castin said he hoped he should shortly come under the King of England's Government; that the true boundary between England and France to the eastward was the River of Ste. Croix, and that the French Court would try to cozen the English out of it. The Jesuits, he said, had taken indefatigable pains to stir up the Indians everywhere to make war upon the English. *Signed*, Bellomont. M. de St. Castin is said to be a gentleman of good family, who, leaving France on some disgust in his youth, settled on Penobscot River, married the Chief Sagamore's daughter, speaks the Indian tongue, lives after the Indian manner and is become Chief or Sagamore of the Penobscot Indians. The French Governors of Canada and St. Johns have sent several times to him to go to them, but he will not go near 'em. He professes great kindness to the English, and advised some of the late Governors here of the French designs against this country. The return he had was the sending a frigat and some soldiers who ravaged his country

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and burnt his wigwams. *Holograph.* 1¼ *pp. Same endorsement.* [*Board of Trade.* New England, 10. *Nos.* 46, 46.i. ; *and* 38. *pp.* 165-170.]

June 22. Boston

582. Governor the Earl of Bellomont to Mr. Secretary Vernon. If you have patience to read my long letter to the Council of Trade (June 22), it will give you, I hope, an idea of the use that might be made of these Plantations. The papers I send inclosed with this letter will surprize, especially that which discovers Blathwait's bargain with Col. Allen for half his pretended interest in N. Hampshire and a great part of this province. I have sent the same papers to my Lord Chancellor and my Lord Jersey, and I hope among you he, I mean Mr. Blathwait, will be crossebit. By this bargain of his with Allen 'tis plain who sold the lands in New York to Fletcher. If it could be lawfully done, the seizing Col. Allen's papers would discover this villainous bargain of Blathwait's with him, which would a thousand times more deserve an inquisition of the House of Commons than that they bestowed nine hours' debate on the 6th of last Dec. I hope those two Lords and yourself will with vigour oppose Mr. Blathwait's treacherous sale of these Plantations from England. The management of them has been hitherto most ridiculous, and all by that man's means who has made a milch cow of 'em for many years together. We have a fresh account of the Indians, which is bad enough, but the hasty departure of this ship will not permit me to relate it to you. I have not had any letter from the Co. of Trade since that of Aug. 21 ; which is very discouraging. I wish you Ministers would set a right value on these Plantations, and then we Governors would be more regarded and should hear from you oftener. *Repeats complaint about Jeffers and Weaver, as in preceding.* There ought to have been duplicates of the packets from the Ministers : for 'tis a terrible thing to be used as I am. *Signed,* Bellomont. *Endorsed,* R. Aug. 9, 1700. *Holograph.* 3 *pp. Enclosed,*

582. i. A discovery by the Earl of Bellomont of Mr. Blathwait's bargain with Col. Allen. On Tuesday night, June 11, 1700, Mr. Armstrong, the Naval Officer of N. Hampshire, told me that Mr. Blathwait and Mr. Dobbin, a lawyer, had now an interest with Col. Allen in N. Hampshire and the rest of his claim, and the Duke of Leeds, Lord Lonsdale and another Lord, whose name he has forgot, were concerned with Col. Allen, but that Mr. Blathwait has bought 'em out, and that Col. Allen is indebted to Mr. Blathwait 3,000*l.* : that he, Mr. Armstrong, has seen the writing between Mr. Blathwait and Col. Allen, which came from England about three moneths ago, when Col. Allen was last in Boston, whereby Mr. Blathwait is to have half of Col. Allen's interest in the premisses, if Col. Allen do not repay the 3,000*l.* by a certain time, and but a third part if Allen repays the 3,000*l.* That Dobbin was concerned with Blathwait, he knew from a letter from

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Blathwait to Allen, and that Blathwait has undertaken to procure a mandamus to force the inhabitants of N. Hampshire to a trial with Allen. He believed the share Dobbin was to have of Allen's propriety was kept a secret between Dobbin and Blathwait. To draw the whole secret out of Armstrong I told him what offer Allen had made to me. Armstrong told me Sir Bartholmy Shore was once concerned with Allen, and had been, as well as Dobbin, Allen's counsel a long time, but he believed Blathwait has satisfied Shore. The Duke of Leeds, he said, fell out with Allen about an account that had been between 'em, and that he has seen accounts in Allen's hands which made it appear that the D. of Leeds was concerned in trade with Allen a great many years together. He told me that had it not been for Blathwait's paying a debt of Allen's lately, which payment I understand has made up the abovementioned 3,000*l.*, Allen had been ruined, for that a procuration was coming from England to arrest him for a debt. He told me there came 'tother day a great packet from Blathwait for Allen, which was sent to Foxcroft with a charge to deliver it with his own hand to Allen.

On June 12, Mr. Armstrong told me the name of the Lord he had forgotten was Leinster. That those Lords had no longer any concern with Allen, he read in Blathwait's letters to Allen. Blathwait had lately paid Allen 1,400*l.* of the 3,000*l.*; part of it went to pay Sir Bart. Shore a debt due to him by Allen. *Signed*, Bellomont. Mr. Armstrong was bred an Attorney in England and is in great intimacy with Col. Allen. He told me had seen all his writings, and that 'twas a mistake that the Council of Plymouth had not signed Mason's patent, under whom Allen derives, for three of them had signed: if there was any objection to the patent, 'twas because a majority did not sign it. Some little time before my leaving London for America, I met my Lord Carmaerthen in the Treasury, who desired I would be particularly kind to Col. Allen's concern there for his sake, for, said he, I have a vast tract of land in that country. *Signed*, Bellomont. *Holograph.* 2¼ *pp.*

582. ii. An account of Col. Allen's offer to Lord Bellomont. On Aug. 1, '99, Col. Allen came to my lodging at Mr. Waldron's house at Pescattaway and desired I would let him have a trial for the lands of the Province of N. Hampshire, and that if I would favour his cause he would make me a handsome recompense. I told him I would keep clean hands. On Aug. 8th he came again and offered me, if I would favour his cause against the people of N. Hampshire, he would match a younger daughter of his to my younger son, and would make her worth 10,000*l.*, and that he would divide the

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province with me besides. I told him I would not sell Justice, if I might have all the world, and that both my sons were children and not fit to marry. He desired I would be present at the trial, and that it would overawe his adversaries if I would be there. I told him I would not do such a thing for the world. He still pressed my marrying my younger son to his daughter, and told me a third part of the people had already turned tenants to him at a quit-rent of 3*d.* per acre; that the woods would be of a vast value, and that there had been and still is an extravagant waste committed in his woods by men who had made estates out of 'em. On Aug. 12 and 15 he renewed his offer (*detailed*). On Aug. 17 I left Pescattaway for Boston. Col. Allen conducted me as far as Hampton, where I dined at Mr. Cotton the minister's house, where, walking on the green in front of the house, he again urged his proposals. I replied I would do him justice but no favour. At the end of last Feb. or the beginning of March, at Boston, he renewed his proposition. I have several letters from him hinting the forementioned offer to me, and more plainly the match between my son and his daughter. Boston, June 19, 1700. *Signed*, Bellomont. Col. Allen told me he was sure the inhabitants of N. Hampshire upon my countenaneing his title were ready to turn tenants to him immediately. In a week's time he could raise 20,000*l.* on them by way of fines, half of which he would pay me as his daughter's portion. *Signed*, Bellomont. *Holograph.* 2 *pp.*

582. iii.–ix. Duplicates of Nos. 580 iii.–ix.

582. x., xi., xii. Duplicates of Nos. 580. xx., xxii., xxiii.

582. xiii. Duplicate of No. 402. iii.

582. xiv. Duplicate of No. 581. i. ¼ pp. [*Board of Trade.* New England, 10. *Nos.* 47, 47.i.–xiv.]

June 22. **583.** Minutes of Council of New York. Mr. Antill moved this Board that the deeds and writings of William Shackerly, now in the Secretary's Office, be delivered to Shackerly, he giving 500*l.* security to return them on demand. Granted.

Case of Cruger *v.* Depeyster heard before the Council. Judgement of the Supreme Court, April 9, 1698, against Francis Tyrens and Valentine Cruger in favour of Col. Abraham Depeyster confirmed. Mr. Antill moved for an appeal to His Majesty in Council, which was granted, provided he give security for 100*l.* costs. Petition of Amareus [? Amoureuse], widow of John Stout, late of Jamaica, read. Surveyor ordered to lay out three tracts of land according to the bounds of the patents therein mentioned. [*Board of Trade.* New York, 72. *pp.* 321–323.]

June 22. **584.** Minutes of Council in Assembly of Massachusetts Bay. Bill for the equal distribution of insolvent estates, was read a first time.

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10*l.* and a pension of 4*l.* granted to John Baker, a soldier of Swanzey, wounded in H.M. service.

60*l.* granted to Capt. Anthony Checkley, for past service as Attorney General.

Resolved to hear the inhabitants of Watertown on June 26. Notice ordered to be given them.

Petitions of Jonathan Waldo, for his wife Hannah, of Susanna Jacobs and Abigail Woodmansey for a new trial in cases where they had neglected to appeal seasonably, dismissed.

Land granted on petition of John Wade, son of Thomas Wade, son of Jonathan Wade of Ipswich, decd.

Report of the Committee relating to the matters contained in the Address to His Majesty amended and sent to the Representatives, who returned it, omitting the 13th article and proposing a different clause instead of the addition offered them. A message was sent to the House that the Board insisted upon their own clause.

June 24. Bill for repealing the Act for building with stone, etc., read a second time.

Bill for equal distribution of insolvent estates read a second time, committed, passed and sent down to the Representatives.

6*l.* paid to Margery Williams, relict of Robert Williams of Boston in satisfaction of claim. Bill, directing the proceedings against forceable entry and detainer, read twice and committed. [*Board of Trade.* New England, 49. *pp.* 371–374.]

June 22. **584A.** Council of Trade to Lord Jersey, enclosing, in reply to No. 555, a Representation to the effect that Acts have been passed by the Assemblies of New York, Massachusetts Bay and New Hampshire presenting Lord Bellomont with £3000 in all, amounting to little more than £2000 English. These Acts are not yet confirmed. The only money we know of paid to him since his departure in Oct. 1697 is £400 per annum sterl. out of the Revenue of New York. As to the future, the Province of New York being a considerable frontier and liable on that account to many extraordinary charges, it cannot well be expected from them that they will make any presents to him in the future. New Hampshire will probably do little or nothing towards his Lordship's support, and Massachusetts Bay, which is a flourishing colony and able to make sufficient allowances to H.M. Governor, does not show any disposition to do it, nor will they in probability be inclined thereto further than they can prevail with him to gratify you in things which will not be for H.M. service. *Signed*, Stamford, Wm. Blathwayt, John Locke, Geo. Stepney. [*Board of Trade.* New England, 38. *pp.* 29–32.]

June 24. Hampton Court. **585.** Earl of Jersey to the Council of Trade and Plantations. The King having been pleased to appoint Capt. Benjamin Bennett to be Governor of Bermudas in the place of Mr. Day, I acquaint you with it by His Majesty's commands, that you may cause a draught of his Commission and Instructions to be prepared accordingly. *Signed*, Jersey. *Endorsed*, Recd. 24th, Read 26th June, 1700. 1 *p.* [*Board of Trade.* Bermuda, 4. *No.* 32; *and* 30. *p* 33.]

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[? June 24] **586.** William Attwood and Sampson Shelton Broughton to the Council of Trade and Plantations. Petitioners, appointed Chief Justice and Attorney General of New York, conceive 'tis agreed by your Lordships that the patents to be passed at New York are to be as long as they behave themselves, yet the precedents which they produce being only during pleasure, they observe the different grounds. (i.) They venture themselves and families at a much greater distance from their native country with greater hazards. (ii.) If their patents were only during pleasure, they would be determined with the Governor's patent, those offices being within his patent, which they are not in Ireland. (iii.) 'Twill be impossible to serve His Majesty and the interest of England, if they are liable to be recalled upon every information from the people of the place. (iv.) William Attwood represents in his own behalf, that since, by the constitution of their Courts of Judicature, any Judge, commissioned by the Governor, with the assistance of Justices of the Peace, may hold any one of the supreme Courts except at New York, that after provision for enjoying the place as amply as any person formerly enjoyed the same, there may be added, *together with full power and authority to hold the Supreme Courts of Judicature at such places and times as the same may and ought to be held within the said Province. Endorsed*, Recd. 24th, Read 25th June, 1700. 1½ *pp. Enclosed*,

586.i. Copy of warrant constituting a Chief Justice of Ireland. *Countersigned*, Nottingham. Nov. 1690.

586.ii. Copy of warrant constituting an Attorney General of Ireland. *Countersigned*, Shrewsbury. May, 1695. [*Board of Trade.* New York, 10. *Nos.* 12, 12.i., ii., ; *and* (*without enclosures*) 54. *pp.* 246–248.]

June 25. Bermuda. **587.** Thomas Harford, Samuel Spofferth and John Dickinson to the Council of Trade and Plantations. On May 28 arrived here a vessel from Jamaica, by which we received H.M. Order in Council, Nov. 2, 1699. But, notwithstanding, the Governor hath slighted and rejected His Majesty's commands and utterly refused to confirm unto us the authority and commission in the aforesaid Order mentioned. Yet we thought it our duty humbly to transmit unto your Lordships this following report, as it publicly happened on June 3, in open Court, to our certain knowledge, and on June 5, as it is related unto us by the Gentlemen of the Council, who we presume will unto your Lordships signify the same :

587. i. *Minutes of Council of Bermuda*, St. George's, June 3, 1700. Mr. Charles Walker, Agent to Jacob Mears & Co. of Jamaica, publicly delivered to the Governor in Council an Order from His Majesty in Council, Nov. 2. The Governor with some seeming anger received it, but upon Mr. Walker's declaring what it was, the Governor rendered no other obedience thereunto, but hastily without opening clapped it into his pocket. Then Mr. Walker desired it might be publicly read to the Council, but the Governor utterly refused, saying

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he knew how to receive orders and when to answer them. Then all the gentlemen of the Council, except Mr. Nelson, earnestly entreated him that the same might be read, urging that as it was His Majesty's commands, and, as they supposed, related to the affairs of these islands, they desired the King's business might be dispatched before any others, but he refused and commanded the Court to proceed upon other matters. However, before they parted, the Governor appointed the Council to meet him on Wednesday following to consider upon what was necessary to be done relating to the Order before mentioned.

587. ii. Minutes of Council of Bermuda, June 5. The Governor spoke not one word relating to the business about which the Council were ordered to meet him. However, some of the Council, perceiving the Governor's delays, moved the Order might be read and that they might proceed in discharging their duties and give due obedience to His Majesty's commands, but the Governor utterly refused to shew the Order to them in Council, and positively told them they had nothing to do with it, for that it was not fit to be read, neither would he take any further notice of it. And accordingly, without shewing or communicating the matters contained therein to any of them as in Council, he returned it to Mr. Walker.

587. iii. Deposition of Charles Walker, as to his delivery of His Majesty's Order in Council to the Governor. *Letter continues* :—We have transmitted the true report of these matters, to demonstrate our readiness in complying with His Majesty's commands. Although your Lordships will undoubtedly conclude this to be a strange piece of insolence in a Governor, yet it produces no manner of surprize in us ; we being so frequently conversant with Mr. Day's barbarous and extravagant actions, insomuch that the people are under fearful apprehensions that some unaccountable violences will shortly be committed by him, if not speedily prevented. No man here, except some few of his own creatures, thinks himself safe in the possession of what he calls his own. Therefore we humbly request your Lordships to use your interest with His Majesty for our deliverance and protection, which will infinitely oblige the poor distressed inhabitants of these Islands. *Signed*, Thomas Harford, Samuel Spofferth, John Dickinson. *Endorsed*, Recd. Read Aug. 26th, 1700. 5 *pp.* [*Board of Trade.* Bermuda, 4. *No.* 34 ; *and* 30. *pp.* 47–52.]

June 25. London. **588.** Thomas Burton to the Council of Trade and Plantations. In response to your commands to render you an account of the state of the Bermuda Islands when I left them, I with all humility offer :—The Island hath been very healthy since 1692,

1700.

in which year a violent and malignant fever took away more than one-fourth part of the people, but is now very populous, I think more than ever. There are now in the Island by the lists I have taken near 4,000 souls, more than one-half of which are negroes, one-fifth capable to bear arms, the rest women and children. The inhabitants are chiefly Independents, but very loyal and easy to be governed, were it not for four or five restless spirits, which by their constant troubling the Government and their articling against every Governor His Majesty yet sent, causes the public work to be so much as it is neglected. For the Castle and other forts which command the harbours are very strong, but very much out of repair. In the town [*in*] the battery there the guns lie dismounted for want of a platform, the Sessions House, prison and Marshall's House ready to tumble down, and no house for the Governor to live in, although [*they*] have been about it several years. There are now seven members of Council:—Gilbert Nelson (Chief Justice), Wm. Outerbridge, Samuel Sherlocke, Richard Peniston, John Brooke, Michael Burrowes, and Robert White; nine Justices of the Peace:—Thomas Burton (King's Council), Gilbert Nelson, Wm. Outerbridge, Samuel Sherlocke, John Brooke, Samuel Harvey, William Tucker, William Keele, and Thomas Forster. There are nine companies, all in one regiment, well fitted, Francis Jones, Col., Wm. Outerbridge Lt.-Col., and Michael Burrowes, major. Captains:—John Tucker, Richard Peniston, John Morris, Samuel Smith, John Trimingham, Benj. Wainwright, George Darrelle, William Seymour. There are five Commanders of Forts:—John Peasley, Lt. of the King's Castle, Samuel Braughan, Roger Crane, Tho. Brooke, Wm. Leacroft. The Assembly are 36 members, chosen four out of each parish, by the freeholders; Francis Jones, Speaker, and myself, one of the members, both now here.

The island decays yearly as to its produce; the oranges and most of the other fruits carried away with a blast, the ants also destroying the Indian corn in several parts of the Island, which is their chief provision, insomuch that the produce of the island doth not maintain the inhabitants, for last year the country bought above 16,000 bushels and I believe this year will want more, and were it not for sundry small vessels which belong to the Islands, which bring in supplies, and for fish of which their (*sic*) is abundance catcht, the Island could not subsist. *Signed*, Tho. Burton. *Endorsed*, Recd. 24th (*sic*), Read 26th June, 1700. 3 *pp.* [*Board of Trade.* Bermuda, 4. *No.* 33; *and* 30. *pp.* 29–32.]

June 25. Whitehall.

589. William Popple to Josias Burchett. I enclose the Representation of the Council of Trade and Plantations, Dec. 14, and H.M. Minute of Council thereon. Messrs. Atwood and Broughton will attend the Lords Commissioners of the Admiralty in order to the dispatch of what they may think fit to do in reference to the last paragraph of the said Representation. [*Board of Trade.* New York, 54. *pp.* 248, 249.]

June 25. Whitehall.

590. William Popple to Sir Thomas Trevor. The Council of Trade and Plantations return you the inclosed draught of a

1700.

Commission for the trial of pirates in the Plantations, with notes or queries annexed, that you may consider whether it be fit to make any alterations thereupon. [*Board of Trade.* Plantations General, 35. *pp.* 300, 301.]

June 25. **591.** Journal of Council of Trade and Plantations. Attorney General's answer about the *Cole and Bean* case read. Directions given for a Representation thereon.

Draughts of a Commission for the trial of pirates in the Plantations, received from Mr. Attorney General, read. Some notes thereupon were made, and it was returned to him that he may consider whether it be fit to make any alterations or amendments. Ordered that he be acquainted with what was writ to Mr. Lownds, June 20.

Letter from Mr. Yard, June 19th, read. Mr. Skene, Secretary of Barbadoes, informed their Lordships that he is just upon his departure for that Island and was given a letter from His Majesty to the Governor and Council enclosed by Mr. Yard.

Memorial and papers from Mr. Atwood and Mr. Broughton read. Mr. Atwood attended and desired their Lordships' favourable report that some money be advanced them here towards the charge of their voyage, and that he may be constituted of His Majesty's Council at New York. Letter to the Earl of Jersey upon the whole matter ordered to be prepared. Letter to Mr. Burchet desiring him to move the Admiralty for the despatch of what they judge fit for Mr. Atwood and Mr. Broughton in relation to the last paragraph of the Representation of this Board, Dec. 14, 1699, and the Order of Council thereupon.

Order of Council, June 20, upon Capt. Hasket's petition, read. Representation, according to the certificates received of his character, ordered; and signed.

June 26. Representation about the *Cole and Bean* galley signed and transmitted to Lord Jersey.

Letter to Lord Jersey, in answer to his of the 17th instant, relating to Commissions for Mr. Atwood and Mr. Broughton, signed. Letters from the Board of Ordnance, June 20, and June 22, read. Letter from Lord Jersey, June 24, read. Directions given accordingly for preparing draughts of a Commission and Instructions for Capt. Benjamin Bennet to be Governor of Bermudas.

Memorial from Mr. Atwood and Mr. Broughton, signifying that the consideration of their papers had been respited by the Treasury, read.

The letter writ this day to Lord Jersey was shewn them as the most material thing that this Board could at present offer for the expediting of their despatches.

An account of the present state of Bermuda Islands, by Mr. Thomas Burton, was read. [*Board of Trade.* Journal, 13. *pp.* 89–94; *and* 97. *Nos.* 116, 117.]

June 25. **592.** Minutes of Council in Assembly of Massachusetts Bay. Order making the Plantation called Framingham a township agreed to.

1700.

Joint Committee of the Houses appointed, to consider methods for the reviving and support of trade, and to enable the inhabitants of this Province to pay public taxes by endeavouring to find out some suitable medium to supply the scarcity of money.

Andrew Belcher, Agent for supplying His Majesty's ships with stores, petitioning for exemption from being required to attend any public employment, resolved that his petition be granted. This resolution was referred to the Representatives for their concurrence.

Bill for preventing abuses to the Indians sent up from the House of Representatives with amendments. The Board disagreed thereto.

Bill directing the proceedings against forceable entry, amended in Committee, was passed and sent down to the Representatives.

Bill repealing the Act for building with stone or brick in Boston rejected.

The Representatives attending, the claim of Thomas Hinckley to 200 acres formerly granted to him by the Government of New Plymouth was heard by the whole Court, as also the Proprietors of the lands at Seconett, *alias* Little Compton, in the County of Bristol, by their agents Major Nathaniel Thomas and William Fobes.

June 26. The Report of the Committee appointed to consider the matters contained in the Address to His Majesty was sent up from the Representatives with their agreement to the additional clause offered by the Board to the 10th article.

Further directions given to the Committee appointed to run the line between Dedham and Natick.

Joint Committee appointed to prepare an Address to His Excellency to improve his interest in His Majesty and the Ministers of State relating to the matters contained in the Address to His Majesty.

The Representatives attending, the inhabitants of the several parts of Watertown were heard by their Agents.

Order, upon the hearing of Thomas Hinckley, that the Attorney General make enquiry after all lands belonging to the Province in and about Seconett, not lawfully disposed of by the Government, and to prosecute such as have entered upon any parts thereof, passed and sent down to the Representatives, to which they concurred.

June 27. Petition of John Usher, late Treasurer of New England, for the payment of the balance of his account, with his answer to exceptions made to several articles therein, referred to the Representatives, together with previous reports of the Council thereupon.

Excise Bill sent up by the Representatives with their agreement to the amendments of the Board. [*Board of Trade.* New England, 49. *pp.* 374–379.]

[? June 26] **593.** William Atwood and Sampson Shelton Broughton to the Council of Trade and Plantations. The consideration of the papers from your Lordships concerning the Chief Justice and Attorney General for New York being respited upon being laid

1700.

before His Majesty in the Treasury, it seems probable that His Majesty and their Lordships are not aware how much it imports his service to expedite the settlement of our respective salaries. *Endorsed*, Recd. Read June 26th, 1700. ½ *p.* [*Board of Trade.* New York, 10. *No.* 13; *and* 54. *pp.* 250, 251.]

June 26. Whitehall. **594.** Council of Trade and Plantations to the Earl of Jersey. In reply to your letter of June 12, we offer unto your consideration, whether, to avoid any impropriety in the draught of the Commissions for Mr. Atwood and Mr. Broughton, with relation to the particular circumstances of affairs in New York, it may not be more fit, as well as more easy for them, that the Earl of Bellomont be empowered, by warrants under His Majesty's signet and sign manual, to commissionate them there accordingly; and, if so, whether the form of a warrant for constituting the Chief Justice of Ireland, Nov. 3, 1690, may not be proper, *mutatis mutandis* to impower Lord Bellomont to constitute Mr. Atwood Chief Justice in the Province of New York, adding only in the end the words proposed by Mr. Atwood (June 24), and the form of a warrant constituting an Attorney General of Ireland, May 10, 1695, may not be proper for constituting Mr. Broughton Attorney General in the Province of New York. We further desire your Lordship to offer unto His Majesty that Mr. Atwood may by a particular warrant in the usual form be constituted a member of H.M. Council of New York. And whereas they have both of them desired that some money may be advanced them towards their charges in transporting themselves to New York, we humbly submit that to His Majesty's consideration. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Locke, Abr. Hill, George Stepney. [*Board of Trade.* New York, 54. *pp.* 249–251; *and* (*corrected draft*), 44A. *No.* 46.]

June 26. Whitehall. **595.** Council of Trade and Plantations to the Earl of Jersey. We enclose our report upon the case of the *Cole and Bean* galley, and desire you would please to lay it before His Majesty. *Signed*, Stamford, Phil. Meadows, Wm. Blathwayt, John Locke, Abr. Hill, Geo. Stepney. *Annexed*,

595. i. Council of Trade and Plantations to the King. In the case of the *Cole and Bean* galley, we do not find anything more proper to be done for the petitioners' relief than by an appeal to your Majesty in Council, which we humbly propose your Majesty would be graciously pleased to admit. *Signed*, Stamford, Phil. Meadows, Wm. Blathwayt, John Locke, Abr. Hill, Geo. Stepney. [*Board of Trade.* Proprieties, 26. *pp.* 239, 240.]

June 26. Whitehall. **596.** Council of Trade and Plantations to the King. We have enquired into the character of Capt. Elias Haskett and have received a certificate signed by several considerable merchants of good reputation, that they have been many years personally acquainted with him and have known him employed as commander of several ships and entrusted with the disposal

1700.

of their cargoes, which trust he performed to full satisfaction, and further that he has always shewn himself loyal to your Majesty's Government. We have therefore nothing to object to his fitness for employment as Governor of the Bahama Islands. *Signed*, Stamford, Phil. Meadows, Wm. Blathwayt, Jon. Locke, Abr. Hill, Geo. Stepney. [*Board of Trade.* Proprieties, 26. *pp.* 238, 239.]

June 27. Hampton Court.

597. Order of King in Council, declaring His Majesty's approval of Capt. Haskett as Governor of the Bahama Islands, upon the report of the Council of Trade and Plantations. *Signed*, John Nicholas. *Endorsed*, Recd. July 1st, Read ditto 24th, 1700. ½ *p.* [*Board of Trade.* Proprieties, 5. *No.* 62; *and* 26. *p.* 245.]

June 27.

598. Solicitor General to the Council of Trade and Plantations. I have considered the Laws passed in the General Assembly of New York, March 2, 1699—May 16, 1699, which I conceive are agreeable to law and justice, and contain nothing prejudicial to His Majesty's royal prerogative. But to the confirming of the Act for annulling several extravagant grants of lands made by Col. Fletcher, late Governor, opposition was offered by some persons on behalf of the grantees. They think it unreasonable to avoid the grant made to Godfrey Dellius, Evert Banker, William Pinhorne, etc., because it does not appear in the Act in what the same is extravagant more than that it contains a great quantity of land, and, as to that, Dellius hath several other partners in the grant, though they are not mentioned. The value of the land is small, and if Dellius had not purchased it of the Indians, the French would have done so and been ill neighbours to the English. But for confirming the Act it was said that the pretended purchase of this so vast a quantity of land from the Indians was surreptitiously and fraudulently obtained by Dellius and his partners, they pretending that it should be only in trust for the Indians and their posterity, and the better to secure it from the enemy in the time of war. The pretended purchase was complained of by all the Five Nations, and two of the patentees have declared the said trust and surrendered their interest in the land to His Majesty. The Indians who before inhabited this great quantity of land and were a guard to the English, are, since the purchase, retired thence. Dellius cannot provide a competent number of inhabitants for it; whereby the Province is more exposed to the enemy. The Attorney General at New York was not consulted with about this grant, as he ought to be about all grants, and he only passed it in obedience to the Governor's absolute warrant. The land was never surveyed and the rent of 2*s.* 6*d.* per 100 acres was not reserved according to the Governor's instructions. To which it was replied that there were no such instructions to Gov. Fletcher, and, if there were, this grant might have been avoided at law, without an Act of the Legislative power. *Grants of the King's Garden and King's Farm and others, argued.*

1700.

Upon the whole, what is said against the grants is the great extent of them, except those few which is for the conveniency of the Governor, and the effect of the late Lords Justices' Instructions was that he should use all legal means for breaking of extravagant grants, which, whether it was intended in the sense this Act takes it to be, which is to re-assume all grants the Governor and Assembly think extravagant, by an Act of the Legislative power, or whether he is thereby directed to re-assume all such extravagant grants as had been unduly passed by the ordinary course of law there, is to me very doubtful. *Signed*, Jo. Hawles. *Endorsed*, Recd. 28th June, Read 1st Aug., 1700. $6\frac{3}{4}$ *pp.* [*Board of Trade.* New York, 10. *No.* 14; *and* 54. *pp.* 286-298.]

June 27. **599.** Minutes of Council of Maryland. His Excellency read the letter of the Council of Trade and Plantations with the reasons offered against the Act of Religion, etc., and also His Majesty's Instructions relating to revising the Laws, and is pleased to take notice that, upon the revisal of the Laws in the General Assembly 1699, all the laws transmitted, save one, were in force before that Assembly, though several of the same nature were then united under one title, and that at that time there was all possible due care taken that nothing should be inserted in any of them infringing His Majesty's prerogative or otherwise against his interest; but as to the Act of Religion, it having so long slept and being so essential to the prosperity of the Province, it was even absolutely necessary to be re-enacted. His Excellency showed to the Board his own letter to their Lordships in reply to theirs. The Board resolved that, upon the next meeting of the Assembly, it be recommended to them to repeal the Law for Ascertaining the Laws. A letter from the Board to their Lordships was resolved upon :—"We wish to excuse ourselves on account of the Act ascertaining the Laws of this Province, and to lay before you the subtle contrivances and false insinuations of those who are enemies both to H.M. Government and Religion. Upon His Excellency's arrival we were apprized of His Majesty's Instructions, but deferred the work of revising the Laws until the Assembly met, not that we designed to make use of it herein, but that, if anything was amiss that could be amended, it might be then done. We were more than ordinary cautious that nothing should pass which in the least entrenches on His Majesty's interest. We hope there is nothing in them that dos; if there is we are heartily sorry, and assure you it's for want of judgment, not care. As to the Law ascertaining the Laws, etc., we are fully convinced by your reasons of our oversight, and only beg your patience till the next meeting of Assembly. As to the Act of Religion, we were very apprehensive of the disagreeableness of that clause of a different nature therein, which was the cause of His Majesty's disallowance thereof, but could not bring it to any better frame at that time, but hoped for a more favourable opportunity to purge out those imperfections than what the minds of the Assembly would then allow of, which we hope is now in some measure attained to, and for that reason

1700.

and withal considering that the said law had laid a considerable time before your Lordships without any disapprobation of His Majesty, we did advise His Excellency not to endeavour the repeal of that law till His Majesty's pleasure was known thereon, for besides that it would have begot, in the greatest and most eminent part of the Province, who are earnestly solicitous for establishing the Protestant religion here, an odium of His Excellency and us, to drop that which supported their dearest, we could not certainly tell what other amendments might be required, all which we hope by this Revisal in May last is so qualified as to procure His Majesty's gracious allowance, which will be received with the greatest joy by his good subjects here, and in that particularly, as well as in all other affairs in general, His Excellency's zeal and affection to His Majesty's service has eminently appeared. Though reflections or sense of ill usage is much against our nature and the constitution of this Government, yet for our own justification we feel obliged to disburthen the Government from some aspersions cast on it by some persons who stile themselves the "Antient Planters and none of the least traders here," whilst their names are concealed. We appeal to your Lordships by comparing the Act of Religion with several of the exceptions against it, if they have not unworthily perverted the meaning of the Law. There is nothing imposed upon any dissenting Protestants or even Papists but the payment *per* poll equal with His Majesty's other Protestant subjects, and none of the other injunctions in that Law have been so much as pretended to be imposed by any dissenting Protestant, but on the contrary they are permitted the quiet and peaceable enjoyment and use of their Religion without the least molestation. There has no sects of religion here opposed that Law but the Papists and Quakers, who from the beginning of His Majesty's happy Government here, with which that Law entered, have with their greatest might obstructed it, and so diligent were they therein, that the Quakers had got [a] copy of His Majesty's Order in Council for disallowing that Law, long before the original from your Lordships arrived. Their diligent spreading of it caused great disquiet in the minds of His Majesty's good subjects. And for their being Antient Seaters, we acknowledge that some, though but few, Papists were at the first seating, but so far were the Quakers from being the most antient seaters that when they first came in they were ordered to be whipped out for disturbing the Government. They are so far now from being any considerable part that we are confident they will not make the 12th part of the Province. But were this Law down, we believe they would increase, for both sects are daily insinuating their doctrines into other His Majesty's good subjects and employing their utmost endeavours to pervert them from their religion, and some have been prevailed upon, though we hope by the assistance of that Law and the labours of good men to put a stop for the future to such things. Their design is not only against that Law, but establishing Protestant Religion here, and that there might be no more countenance given to it now under His Majesty's Government than was under the Lord

1700.

Baltimore, who was a Papist and (as they say) so, it was Liberty Conscience [*sic*] to all without public countenance to any; but we are assured, as by His Majesty's matchless valour and conduct he preserved our lives and fortunes from destruction, no less our religion also, and we hope to enjoy both and at the same time permit the quiet exercise of Dissenters in theirs, while they will use it with peace and quietness. *Signed*, Hen. Jowles, John Addison, Thos. Tasker, John Hammond.

His Majesty's letter of Feb. 10, read. His Excellency said he did not know of any pirates at present in the Province, but that if any should be apprehended, all due compliance would be given thereto.

Letter of the Council of Trade and Plantations about denization etc., Feb. 16, read. The Board did not know of any denizations granted in this Province by the Governor.

His Majesty's Order in Council, Nov. 23, 1699, about impressing sailors, read. His Excellency said that he had given strict orders to Capt. Peter Cood, H.M. advice-boat *Messenger*, to have due regard thereto.

Proceedings of the Governor and Council of Virginia, May 23, 1700, read. Capt. Cood's Orders from the Admiralty read. This Board, being informed that he has not above three weeks' provisions on board, cannot think it reasonable to send him out of the Capes, lest the vessel should be blown off for any considerable time. Considering that he had no supply or credit, the Board ordered George Plater and George Muschamp, His Majesty's Receivers, to lend and pay Capt. Coode 100*l.* sterl. out of the Revenue of 3d. per hhd., His Majesty having no other fund in this Province wherewith to supply him, so that he may be enabled to purchase provisions at the head of the Bay, none being to be had elsewhere; after which that he be directed to cruise in Delaware Bay.

His Excellency advised with the Board, having received news of a most barbarous murther of a man, woman and six poor children at the Plantation of Thomas Barton in Virginia upon the frontiers of Potomeek, by naked Indians painted, and forasmuch as the Emperor of Piscattaway is now come in, whether it may not be requisite to acquaint the Emperor whether [? that if] he and his Indians have not been concerned therein, they need not be apprehensive of any resentment from us. Advised accordingly.

His Excellency acquainted the Board that upon Doctor Bray's going for England, he had conferred the Commissary Office upon Mr. Thomas Brook, one of this Board, and that he was always willing that the said Doctor Bray, if he returned, or any other qualified person sent in by the Bishop of London, should enjoy that office. The Board approved.

Copies of Proclamations, against supplying the Scotch Expedition, April 18, 1700; ordering a day of Public Thanksgiving that the destruction caused by the Statehouse being struck by lightning was no worse, July 22, 1699; for the apprehension of Kidd etc., June 15, 1699; proroguing the Assembly till Feb. 9th,

1700.

Oct. 4, 1699; prohibiting trade and correspondence with the Scotch at Darien, Nov. 4, 1699; summoning the Assembly to meet on April 26, Jan. 9, 1700; and for the apprehension of Henry King, etc., June 27, 1700. [*Board of Trade.* Maryland, 13. *pp.* 706–732.]

June 28. **600.** Journal of Council of Trade and Plantations. Mr. Locke acquainted the Board that finding his health more and more impaired by the air of this city, so that he is not able henceforwards to make any continued residence in it and attend the service of this Commission as is requisite, he had been yesterday to wait upon the King and desired his Majesty's leave to lay down his place in this Commission, and that he therefore came to take leave of the Board, and so withdrew.

Reasons of the French Senegal Company for confiscating the *William and Jane*, with Mr. Bird's reply and his proof of the discharge of two ships seized in the same manner by the French, 1680 and 1681, read. Representation on the matter signed and transmitted in a letter to Mr. Secretary Vernon.

Ordered that ten guineas be paid to Mr. Maurice Carrol for drawing a large map of all His Majesty's Plantations on the Northern Continent of America. [*Board of Trade.* Journal, 13. *pp.* 94, 95; *and* 97. *No.* 118.]

June 28. Whitehall. **601.** Council of Trade and Plantations to Mr. Secretary Vernon. The enclosed report being of importance, not only to the persons concerned, but in general to the trade of England in Africa, and therefore requiring some directions upon it, before His Majesty's departure, we desire you to lay it before His Majesty. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Geo. Stepney. *Annexed*,

601. i. Council of Trade and Plantations to the King. In obedience to your Order in Council, June 13, we have considered the petition of William Bird, etc., and humbly report that the *William and Jane* was belonging to your Majesty's subjects and had a licence from the African Company according to the late Act of Parliament, and in pursuance of her lawful voyage was trading for negroes at or about Porta Dally on the coast of Africa, but was there violently assaulted and taken by some French, since owned therein by the French Senegal Company, brought into France and condemned as prize. Upon application of the owners to the African Company touching the right of your Majesty's subjects to trade on the said coast of Guinea, the Company answer that by their charter and by their customary trading, they have and always had right to trade in the countries of Porta Dally and Joally, having frequently, and as often as they found it their interest, traded considerably thereto with their vessels without molestation from any persons whatsoever, except in times of war, and except two vessels

1700.

seized upon by the French in Porta Dally, 1680, 1681, and carried to Goree, but were afterwards by them released and full satisfaction made to the Company for the same. The French Ambassador's Memorial. communicated to us by the Rt. Hon. the Earl of Jersey, Jan. 16 last, owns the right of the English to trade along the coast, and propose[*s*] that the English and French should unite to exclude the Dutch from interloping there. The coast of Africa supplies great numbers of negroes for your Majesty's Plantations, and especially of that sort which are most fitting for your Majesty's Colony of Virginia. Whereupon we are humbly of opinion that your Majesty may be graciously pleased to insist upon the restitution of the said ship and damages, and to give such orders as your Majesty shall think fit to prevent the like violence on your Majesty's subjects for the time to come. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Abr. Hill, Geo. Stepney. [*Board of Trade.* Trade Papers, 15. *pp.* 103–106.]

June 28. Boston. **602.** Minutes of Council of Massachusetts Bay. Col. John Pyncheon paid for sending posts and soldiers' expenses at Brookfield in March last. Col. Wolfgang William Romer paid 9*l.* 12*s.* 5*d.* for expenses in surveying part of the eastern country of New England. [*Board of Trade.* New England, 49. *p.* 300.]

June 28. **603.** Minutes of Council in Assembly of Massachusetts Bay. Bill directing that the great bridge over Charles River in Cambridge shall be repaired from time to time, sent up by the Representatives, was read a first time.

Excise Bill passed and ordered to be engrossed.

Bill for continuing and further granting to His Majesty several duties of impost and tunnage of shipping, sent up by the Representatives, was read twice and ordered to be engrossed.

Thomas Jackson of Piscataqua petitioned for payment of wages due to his son, Thomas Jackson, who died on the expedition to Canada. Resolved that payment be made of what shall appear justly due. Referred to the Representatives.

A resolve of the Representatives, that the nomination of persons for the Corporation of Harvard College be proceeded with this afternoon in the same manner as the election of Councillors, was not concurred with.

Petition of Samuel Wakefield and John Wilson, Farmers of the Excise in County Bristol, setting forth that they were obstructed in the collecting of it and put to great expence, besides abuse, and that there was about 40*l.* owing by them, and praying for relief, was read. Resolved that they be abated 31*l.* 10*s.* Referred to the Representatives.

Petition of Andrew Belcher, June 25, returned by the Representatives with a non-concurrence. Bill providing for posthumous children, concurred with by the Representatives, was passed and received His Excellency's consent.

1700.

June 29. Bill prohibiting export of raw hides, etc., sent up by the Representatives, was read twice.

Resolved, that, upon the disagreement of the two Houses about the method of proceeding in the nomination of persons for the Corporation of Harvard College, a Committee be appointed to confer with a Committee of the other House.

Excise Bill, and Bill for continuing and further granting duties, etc., to His Majesty, passed and received His Excellency's consent.

Vote of 12*l.* for the support of the French Minister at Boston, on the petition of John Rawlings, Peter Chardon and Rene Grignon, proposed by the Representatives, was agreed to by the Board.

Major Benjamin Church, Ebenezer Brenton and Capt. Thomas Leonard appointed to view some land near Tiverton with a view to granting it to Indians, who had petitioned for it for settlement.

His Excellency ordered that the Acts passed this Session be published. [*Board of Trade.* New England, 49. *pp.* 379–382.]

[? June] 604. John Montagu to the Council of Trade and Plantations. Petitioner is informed that several Acts of the Assembly of New York are now before your Lordships, together with Mr. Solicitor General's report. Petitioner, having divers weighty reasons to offer, on behalf of the inhabitants and owners, for rejecting several of these Acts, especially that for vacating grants of land, prays for a copy of the report and for a day to be appointed for the hearing of Counsel on their behalf. *Signed,* John Montagu. *Endorsed,* Recd. June, Read 25 July, 1700. ½ *p.* [*Board of Trade.* New York, 10. *No.* 15.]

July 1. 605. Minutes of Council in Assembly of the Massachusetts Bay. Bill directing how the great bridge over Charles River in Cambridge, lately rebuilt, shall be repaired and maintained, read a second time.

Bill forbidding the exportation of hides other than for England, sent up, read, passed, and received His Excellency's consent.

Committee appointed to consider of methods for the reviving of Trade and Commerce and to endeavour to find a suitable medium to supply the scarcity of money, presented their report, which was read and sent down to the Representatives.

The resolve of the Board, about a conference upon the disagreement of the Houses relating to the method of proceeding to the nomination of persons to constitute the Corporation of Harvard College, was returned by the Representatives with their concurrence thereto.

Report of the Committee appointed to set forth distinct precincts for the support of the Ministry at Watertown, again read, was disapproved and sent down to the Representatives. An Order for accommodating the difference relating to the Ministry in the middle and easterly parts of Watertown was drawn up, passed, and sent down.

Bill in addition to the Act for the equal distribution of

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insolvent estates, being concurred with by the Representatives, was read, passed and received His Excellency's consent.

Resolve of the House of Representatives that the Committee appointed to examine claims for wages for public service, etc., during the Government of Sir Edmund Andros, be continued until next Session; that they send forth advertisements to notify all persons to bring in their claims, and that 50*l.* be paid them as a present acknowledgment of their services, was consented to.

Resolve of the Representatives that a present of 1,000*l.* be made to His Excellency Richard, Earl of Bellomont, to be paid out of the Public Treasury, was read and concurred with.

A Bill for repealing a clause in the Act directing how rates and taxes shall be assessed and collected, sent up from the Representatives, was read a first time.

Petition of the town of Marlborough, sent up from the Representatives with their resolve thereupon that the lands therein mentioned, being formerly reserved and set out by a Committee appointed by the General Court for an Indian Plantation, which lands are bounded partly by the line of the Town of Stow, partly by Mr. Alcock's farm, and for the greater part by the line of the town of Marlborough, be laid to the town of Marlborough and share henceforward in duty and privilege with them as part of the town, consented to. [*Board of Trade.* New England, 49. *pp.* 382–384.]

July 2. Fort William Henry. **606.** Minutes of Council of New York. Quarterly salaries paid. Proclamation ordered proroguing the Assembly till July 25th.

July 3. Petition of Henry Fowler on behalf of the inhabitants of East Chester read and granted. Petition of Evert Byvanck dismissed. [*Board of Trade.* New York, 72. *p.* 329.]

July 2. Whitehall. **607.** Journal of Council of Trade and Plantations. Their Lordships judging it necessary to take into consideration the state of the coin in H.M. Plantations, ordered that Mr. Lock be desired to call here on Friday next, in order to confer with him upon that subject.

Letter from Col. Fox, Lt.-General in the Leeward Islands, to Mr. Blathwayt, May 1, and to the Board, May 18, read. Extract, relating to the Governor of St. Thomas protecting pirates, ordered to be sent to Mr. Secretary Vernon. Col. Codrington was summoned to attend the Board to-morrow.

Several letters and papers from Lord Bellomont, March and April, 1700, were laid before the Board. Letter of April 20th read.

July 3. Lord Bellomont's letter, etc., April 23rd, read. Copy of the paragraphs relating to Kidd ordered to be sent to the Secretary of the Admiralty, with the papers therein mentioned.

Lord Bellomont's letter, etc., to the Secretary, May 17th, read.

Mr. Brenton's Memorial, relating to the eastern coast of New England and the Islands adjacent, read.

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Col. Codrington attending, their Lordships represented to him the necessity of his hastening to his post in the Leeward Islands, and the rather by reason of Col. Foxe's having assumed the administration of that Government upon him, contrary to what was intended by his Commission. Col. Codrington assured their Lordships that being disappointed of passage in a man-of-war, which he had desired of the Admiralty, and finding no passage at this time directly to the Leeward Islands, he has actually agreed for a ship to transport him to Barbados, which should have been ready before this time, but is now promised about three weeks hence. He stays only upon that account.

Ordered that a copy of the Lords Justices' letter to the President and Council of Nevis, Sept. 29, 1698, together with a copy of Col. Foxe's Commission to be Lieut.-General of those Islands, Nov. 15, 1699, be sent to Mr. Attorney and Mr. Solicitor General for their opinion, whether the powers and authorities given by the Lords Justices to the President and Council can be vacated by a Commission to a Lieut.-General, before Col. Codrington's arrival there, who has His Majesty's Commission to be Capt. General and Governor in Chief, and before the publication of his Commission; whether Col. Fox arriving there before Col. Codrington, could by vertue of his Commission dispossess the said President and Council, and assume to himself that Government, by passing Acts in General Assemblies, sitting in judgement and doing other Acts of Government. [*Board of Trade.* Journal, 13. *pp.* 96–104; *and* 97. *Nos.* 119, 120.]

July 3. 608. Jahleel Brenton to the Council of Trade and Plantations. In obedience to your commands to lay before you the best account I could of what settlements His Majesty's subjects have made on the islands and continent to the eastward of Pemaquid, I humbly offer, (1) I have been informed from very credible persons in New England that they have been upon several tracts of land on the continent east of Pemaquid and on several islands near the same, particularly Monhiggon or Mohiggon Island and Muntinicus Island, that were for many years possessed by His Majesty's subjects, who went thither from several parts of New England, built houses there, had considerable stocks of cattle and enjoyed peaceable possession thereof until 1698 and 1699, when they were driven thence by the Indians.

His Majesty's subjects in New England have for more than twenty years, to my knowledge, yearly fished upon the banks and near the shores of that coast, almost as far as Cape Sables, and never met with any interruption from the French, that I ever heard of, till the beginning of the last war. For more than 20 years, His Majesty's subjects have frequently sent vessels from Boston and other ports of the Massachusetts Bay to the Islands of Britton, and there have laden their vessels with coals, which they digged out of the cliffs of the said Islands, and brought the same to Boston, etc. I never heard in New England that the Islands of Britton were accounted any part or dependance of Nova Scotia, or that Sir Tho. Temple claimed the same. I

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am humbly of opinion that the lands on each side the River Penobscot are of great concern and value to the Crown of England, for the river is navigable for divers leagues for ships of great burthen, and near the river there is growing great quantities of good oak and pines; but from about 20 miles to the eastward of that river there are no quantities of good oak or pines. *Signed*, Jahleel Brenton. *Endorsed*, Read July 3, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 48; *and* 38. *pp.* 76–78.]

July 4. Whitehall. **609.** Mr. Secretary Vernon to the Council of Trade and Plantations. His Majesty having been informed that several matters of great moment have been sent to your Lordships from the Earl of Bellomont, as well in relation to the security of His Majesty's Plantations in the northern parts of America, as to the great advantages that may arise to this kingdom, if the proper methods were taken for our being supplied from thence with great part of our Naval Stores that are now brought at a dearer rate by the Eastland Trade, His Majesty commands me to acquaint you with his pleasure that those considerations be forthwith laid before their Excellencies the Lords Justices together with your Lordships' opinion of the same. *Signed*, Ja. Vernon. *Endorsed*, Recd. 4th, Read 5th July, 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 16; *and* 54. *p.* 279.]

July 4. Whitehall. **610.** William Popple to Sir John Hawles, Solicitor General. The Council of Trade and Plantations desire your opinion in point of law upon the enclosed Acts past at a General Assembly of the Massachusetts Bay, Boston, March 13th last, as also upon those of the same Province and of New Hampshire, which lie already in your hands, all of them with what expedition you can. *Annexed*,

610. i. List of Acts of Massachusetts Bay passed at an Assembly, March 13, $\frac{1699}{1700}$. [*Board of Trade.* New England, 38. *pp.* 80–82.]

July 4. Whitehall. **611.** William Popple to Mr. Attorney and Solicitor General. The Council of Trade and Plantations desire your opinon upon the enclosed letter and commission, whether the powers given by the Lords Justices to the President and Council of Nevis can be vacated by a Commission to a Lieutenant General before Colonel Codrington's arrival there and the publication of his commissions; and whether Colonel Fox arriving there before Col. Codrington could, by virtue of his Commission, dispossess the said President and Council and assume to himself that Government by passing Acts in General Assemblies, sitting in judgment and doing other Acts of Government. To which their Lordships desire your speedy answer. *Signed*, Wm. Popple. $\frac{3}{4}$ *p. Enclosed*,

611. i. Copy of a letter from the Lords Justices to the President and Council of Nevis, Sept. 29, 1698. [*Cal.* A. and W. I. 1698. No. 862.]

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611. ii. Copy of H.M. Commission to Col. Fox, Nov. 15, 1699. [*Cal.* 1699. No. 965.] [*Board of Trade.* Leeward Islands, 6. *Nos.* 74, 74.i., ii.; *and* 46. *pp.* 52, 53.]

July 4. Admiralty Office.

612. Mr. Burchett to Mr. Popple. My Lords of the Admiralty have considered your late letter, which enclosed a copy of a memorial from the Council of Trade and Plantations and H.M. Order in Council. By this memorial it is proposed that the Chief Justice appointed for New York be appointed Judge, and the Attorney General, Advocate of the Vice-Admiralty there. I am to acquaint you that, in pursuance of H.M. Order in Council, Dec. 3, 1696, their Lordships did direct the Judge of the Admiralty to issue out Letters Patents of the Vice-Admiralty of H.M. Colonies of the Massachusetts Bay, New York and New Hampshire to Governor the Earl of Bellomont, with power to appoint deputies and under officers, pursuant whereunto he has appointed Wade Withrop, Judge of the said Vice-Admiralty, and as for Advocate, it is an office that has very seldom, if ever, been established in foreign Vice-Admiralties. But, if His Majesty shall be pleased expressly to direct by his Order in Council that these two gentlemen shall hold those employments, my Lords will give the necessary directions to Sir Charles Hedges to issue Letters Patents accordingly. *Signed*, J. Burchett. *Endorsed*, Recd 4 July, Read 25th ditto, 1700. 1¼ *pp.* [*Board of Trade.* New York, 10. *No.* 17; *and* 54. *pp.* 281, 282.]

July 4.

613. A scheme for making observations and directing the practice of continued fevers in the West Indies. Done by way of aphorism. Three periods of the fever are described and treatment for each prescribed. *Signed*, W. Cockburn. *Endorsed*, Recd. July 4th, 1700. 2 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 73.]

July 4. Whitehall.

614. Journal of Council of Trade and Plantations. Dr. Cockburn presented a paper containing a scheme for making observations and directing the practice of continued fevers in the West Indies.

Letter from Mr. Addington, May 2, with Minutes of Council and Acts of the Massachusets Bay, laid before the Board. The Acts were ordered to be sent to Mr. Solicitor General.

Letter and papers from Lord Bellomont, May 25, 1700, read.

July 5. Mr. Locke attending as he had been desired, the paragraph of Col. Nicholson's letter, July 1, 1699, with Mr. Neal's letters of Oct. 27th, and Nov. 24th, relating to the coin of England, were read. A memorial was presented to the Board by Mr. John Tysack, proposing that a Mint may be erected in some of the Plantations on the Continent of America as a means to remedy many inconveniencies in the trade of those parts, which was read, and he being further heard in what he had to offer, their Lordships after full consideration of the matter, did not think fit that any Mint should be erected there, but, esteeming it

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generally convenient that all the coins currant in the Plantations should pass in all places at one and the same rate, they resolved in the first convenient opportunity to consider the difficulties that occur therein, and in what manner it may be best effected.

Letter from Mr. Secretary Vernon, July 4th, read. Papers relating to the security of the Plantations and the supplying of this kingdom from thence with Naval Stores, received from Lord Bellomont, ordered to be got in readiness, that they may be considered in order to a report accordingly. [*Board of Trade.* Journal, 13. *pp.* 104-111; *and* 97. *Nos.* 121, 122.]

July 4. **615.** Minutes of Council in Assembly of the Massachusetts Bay. Bill granting 1,000*l.* to His Excellency, sent up, was read and passed.

Mr. William Payne, by the majority of votes, was nominated and chosen to the office of Commissioner and Receiver of the duties of impost and tunnage of shipping. Collectors of Excise for the respective counties were similarly chosen.

July 5. Petition of Thomas Druery, David Rice and other farmers adjacent to Sudbury, praying that they may be laid to the town of Framingham, was read. Ordered accordingly, with the concurrence of the Representatives.

Bill granting 1,000*l.* to His Excellency passed and consented to.

Resolution of the Representatives, that 30*l.* be allowed to be disposed of by His Excellency for secret intelligence, read and concurred with.

Petition of Abigail Faulkner, wife of Francis Faulkner of Andover, in the County of Essex, husbandman, setting forth that at a special Court of Oyer and Terminer held at Salem, 1692, she was arraigned, tried and condemned for witchcraft, and praying that the records of the proceedings of the said Court against her may be defaced, was read with the passings of the Representatives thereon, that the prayer of the petitioner be granted her. The Board refused to concur, but addressed His Excellency to grant petitioner His Majesty's gracious pardon, which he expressed his readiness to do.

July 6. The draft of an Address to His Excellency to improve his interest in his Majesty and the Ministers of State relating to the matters contained in the humble Address of this Court unto His Majesty, was read, approved, and sent down to the Representatives.

The two Houses disagreeing about the method of proceeding for the nomination of persons for the Corporation of Harvard College, a conference of the two Houses was proposed and managed. [*Board of Trade.* New England, 49. *pp.* 384–388.]

July 5. **616.** Memorial of John Tyzack to the Council of Trade and Plantations. On the state of the coinage in the Plantations. The inhabitants of the Bahamas, Carolina, and neighbouring islands, also Pennsilvania, East and West Jersey, New York and New England, the soil of which being not capable of raising tobacco and having no other produce to make returns for the

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commodities of England except some skins and furs, whalebone and whale-oil, which will soon grow less plentiful, are forced to keep sheep, sow hemp and flax and set up the linen and woollen manufactures, to the prejudice of England. Merchants trading thither pay at least 30 per cent. for Bills of Exchange. There is now in the Plantations a great quantity of Spanish money, plate and bullion, and would be much more if returns were answerable. This money, etc., is of no use to the inhabitants to make returns to England, because of the uncertain value put upon it there. A piece of eight in the Bahamy Islands is about 5*s.*; in Carolina, Maryland and Virginia 4*s.* 6*d.*; in Pennsylvania 7*s.*; in New York and New England 6*s.* 6*d.*, but frequently rising and falling in value by the contrivance of some designing men in those countries, who engross it when at the lowest, and so make merchandize of it and export it into foreign parts, where it is of more value than in England. The remedy proposed is to set up a Mint in some of the Plantations, for coining all the said Spanish money, plate and bullion and baser mettle into English coin of the same goodness and value from a crown piece to a farthing; and that by Proclamation the value of Spanish money, etc., be adjusted to about 6*s.* 3*d*, per ounce in the Plantations; and that no Spanish money, etc., be exported out of the Plantations till first coined into English money to fit it for returns to England only. This making returns more certain and disappointing the designing perverters of trade, encouraging merchants and the oppressed Planters, increasing navigation and commerce, bringing constant supplies to the Mint in returns to the Plantations, and from thence in returns to England, and by such circulation continually landing more of the Spanish riches upon our shoar. *Signed*, John Tyzack, a Proprietor who hath lived and travelled in the Plantations. *Endorsed*, Recd. Read July 5th, 1700. 1 *large p.* [*Board of Trade.* Plantations General, 5. *No.* 74; *and* 35. *pp.* 302–304.]

July 5. Maryland.

617. Governor Blakiston to the Council of Trade and Plantations. I received your letter of Jan. 4 by way of Virginia, and I am under a very deep sense of concern that those two volumes of laws I sent home, Aug. 16, 1699, were not concerted fitting for His Majesty and your Lordships' approbation. If I have misjudged H.M. Instruction in not having the Laws revised by myself and the Council, I am sorry for it. At my first meeting of the Assembly I was not unmindful of that Instruction, and the Council with myself did with all imaginable scrutiny inspect those laws which were all in force before my arrival, not above two new laws having been made that Assembly, excepting for imposts. If I had refused the establishing those Laws which they had made before my arrival, seeing I did not conceive any of them except the law for Religion to be anyways repugnant to His Majesty's prerogative or interest, it would have been a means to have given the country an ill impression of me at first, and that I was clothed with some commands from His Majesty to eclipse them of what they had enjoyed since the happy Revolution, the con-

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sequences whereof your Lordships are the best Judges. The Council with myself were always very sensible that the law for Religion would not be found agreeable to His Majesty's sentiments, but my predecessor, Gov. Nicholson, had often acquainted your Lordships he could not be prevalent for that law to pass any otherwise, and since it lay dormant from '96 to '99, I never having the least caution from your Lordships of it, did conceive it might be of dangerous consequence for me not to assent to the law, for I might bring myself under the imputation of being an instrument of discountenancing the Protestant Religion, since the Law had slept so long at home, it seemed to have had indulgence from some great authority, which I humbly pray may plead my pardon to His Majesty and your Honble. Board in the irregularity of this action.

Your Lordships are pleased to observe that a paper was presented to you by some considerable merchants against that law. The law as it was then, I must confess, was compiled after a very strange and disagreable manner ; but those gentlemen that tell you the Quakers are so considerable in this Province, as they would seem to insinuate, are under a great mistake, for the Papists and Quakers both are not a twelfth part of the Province, neither with submission do we find that there is any particular provision made for them as they suggest. I cannot tell what private agreement may have been made, but there is a record upon the Council Book in my Lord Baltemore's tyme, which I enclose, which seems to imply that the Quakers were not a sort of people they desired amongst them in the minority of this Government. With leave, I dare affirm at this tyme they have no reason to complayne, for they never had the least disturbance or disquiet in their way of meeting, nor any society of opinions in the Province, but I have followed H.M. Instructions in the toleration of Religion, while they demean themselves with regard to the Government, of which your Lordships may be better satisfied by the enclosed letter from the Gentlemen of the Council. I shall always be very cautious for the future not to re-enact any law that has once been disasented to by His Majesty, without his express consent first had. Your Lordships do not seem to disapprove of any of the laws that are sent home, but those which had so just an exception, so that I hope there has been no injury done to His Majesty. I must confess the enumerating Law, to ascertain what are Laws, was ill-advised, for, as your Lordships are pleased to remark, [it] endangers the whole, and we have committed the same error in the last Sessions, not having then received your directions, but the next meeting of the Assembly it shall be repealed, which we hope will be time enough before your Lordships lay them before His Majesty. We hope the Law for the Protestant Religion is so carefully corrected now that it will not meet with His Majesty's dislike. I hope it is come safe to your hands with the Journals, etc., by which you will find the inhabitants here very easy in all respects. I humbly acknowledge your Lordships' countenance to me in sending the Address of this Province in my favour to

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the Secretary of State to be laid before His Majesty. What business of moment offers to the Secretary of State, Lords of the Admiralty or Commissioners of Customs I shall transmit to you, as you command me. I enclose a copy of my deposition which I sent to Mr. Secretary Vernon, that I had acquitted myself of all the effects of pirates which came under my cognizance, and sent the effects to my Lord Bellomont, as Mr. Sec. Vernon directed me. I am sure I was out above 40*l.* in quest of the pirates, but not having any latitude from him to deduct my just charges, I sent all away as commanded. I shall be better able to give you an answer to that paragraph of your letter relating to opening a Trade with the Western Indians when I have seen my Lord Bellomont, for since I have your approbation, I intend up that way the latter end of the next month, and hope I shall not be absent above 14 days. It will be a time when no ships are in the Province or expected.

About four days ago I met Gov. Nicholson upon the frontiers of Virginia and this Government, to consult and endeavour to detect some Indians who have committed a most barbarous murther by killing six children and a man and his wife in Virginia, which Government has a great suspicion that the murtherers are some of the accomplices of the Emperor of Piscattaway, which are in league with His Majesty and inhabit in this Province. That Society of Indians have been often suspected to have committed enormities in both the Governments, but they always pretend ignorance, and what mischief is done is by naked Indians, which are utter strangers and live at a great distance, so that it is next to impossibility to have any proof of the fact. I have been myself with some of the Indians and have sent to get intelligence where the Emperor was at the tyme the murther was committed. The inhabitants upon the frontiers of this Province are very much alarmed upon this occasion, and I was informed they were upon the point of deserting their Plantations, upon which I went amongst them, and encouraged them to continue, and I ordered an officer and six troopers to raing (*range*) there for the defence and security of those parts. I must confess, if there can be no tolerable circumstance traced that the Piscattaway Indians have been active in this, I should be very tender in doing anything to make a war with them, tho' their number is very insignificant, not having 100 fighting men amongst them, for it would unavoidably make all the inhabitants upon the frontiers desert their habitations, whose numbers are now very considerable and make great quantities of tobacco; besides no English man is capable of finding them out in the woods, nor can we foresee what interest they may have to engage other Indians on their part.

I shall be careful in my Instructions relating to the pressing of seamen, I have given Capt. Coode, H.M. advice-boat *Messenger*, a copy of the Order of Council, Nov. 3 last. I shall by the next conveyance send you copies of all orders I have given him since his arrival. He is now with the vessel under his command at the head of the Bay in the Freshes to avoid the worm. The pro-

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visions he brought out of England with him being all spent, and having no credit here has impeded his going to Delaware Bay, according to his directions from the Admiralty, but I conceive those orders so necessary in the detecting illegal traders and others, that I have supplied him with a little money to endeavour to purchase provisions at the head of the Bay, which if he succeeds in he shall immediately be sent down to Gov. Nicholson for his concurrence to go cruse in Delaware Bay, where he will be free from the worm and more capable to serve His Majesty in his station, several vessels daily coming in there. I send a Journal of the Council Proceedings out of Assembly, where you may see what measures have been taken in relation to the Indians, and also duplicates of the public papers, the originals whereof I transmitted May 28. The Address to His Majesty on behalf of the Law for establishing the Protestant Religion was desired by the Assembly, as you will see by their Journal, to be transmitted to his Grace, the Archbishop of Canterbury and the Bishop of London, to be laid before His Majesty. The Bishop of London being Diocesan here made me think their request in no way inconsistent, having no directions to the contrary. I hope the caution your Lordships have given me as to the passing Laws will be a sufficient admonition to me to avoid the like error for the future. *Signed*, N. Blakiston. In answer to yours of Feb. 16, I never granted any denizations since my being here, not esteeming myself qualified by any authority from His Majesty so to do. I am sorry to hear of Capt. Munday's misfortune upon the Coast of Guinea, and have issued a Proclamation to apprehend the Pirate and those nine men that deserted him, in case they happen to come within this Government. *Endorsed*, Recd. Oct. 14, Read Oct. 16, 1700. *Holograph*. 6½ *pp. Enclosed*,

617. i. Abstract of above, with marginal comments. 2¾ *pp.*

617. ii. Copy of Order of Council of Maryland, July 23, 1659. Whereas there have of late been several vagabonds and idle persons known by the name of Quakers that have presumed to come into this Province, as well dissuading the people from complying with military discipline as from giving testimony or being jurors, etc., the Governor and Council command all and every the Justices of the Peace that, as soon as they shall have notice that any of the aforesaid vagabonds or idle persons shall again presume to come into this Province, they forthwith cause them to be apprehended and whipped from Constable to Constable, until they be sent out of the Province. ¾ *p.*

617. iii. Deposition of Governor Blakiston as to the treasure belonging to Theophilus Turner the pirate, which passed through his hands. Feb. 29, 1699. 1 *p. Endorsed*, Recd. Oct. 14, 1700.

617. iv. Council of Maryland to the Council of Trade and Plantations. Annapolis, July, 1700. As to the Law for Ascertaining the Laws, etc., we are fully convinced by your Lordships' reasons of our oversight

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therein and only beg your patience till next meeting of Assembly. As to the Act of Religion, we advised the Governor not to endeavour to get it repealed till His Majesty's pleasure was known, for besides that it would have begot in the greatest and most eminent part of the Province, who are earnestly solicitous for establishing the Protestant Religion, an odium of His Excellency and us, to drop that which supported their dearest interest, we could not tell what amendments might be required, all which we hope by this revisal in May last is so qualified as to procure His Majesty's gracious allowance. But as to the exceptions taken to the Bill by the "Antient Planters," we answer that (1) there is nothing imposed upon any dissenting Protestants or even Papists but the payment of 40 per pole equal with His Majesty's other Protestant subjects. Dissenting Protestants are permitted the quiet and peaceable enjoyment and use of their religion. (2) The opposition to the law has come only from the Papists and Quakers: we acknowledge some few Papists were at the first seating, but the Quakers, so far from being the most antient seaters, when they first came in were ordered to be whipt out for disturbing the Government, and now will not make the 12th part of the Province, but were this Law down we believe both sects would increase. *Signed*, Hen. Jowles, Jno. Addison, Tho. Brooke, Tho. Tasker, Jon. Hammond. *Endorsed*, Recd. Oct. 14, Read Oct. 16, 1700. $2\frac{3}{4}$ *pp.*
[*Board of Trade.* Maryland, 4. *Nos.* 6, 6. i.-iv.; *and* (*duplicates of* 617, 617. ii.), 7, 7. i.; *and* 9. *pp.* 513-535.]

July 8. 618. Minutes of Council in Assembly of the Massachusetts Bay. A petition to the Ministers, Wardens, and Vestrymen of the Church of England in Boston, praying that there may be such explanatory Act made to the Act to prevent incestuous marriages, as that the clause, providing that no Minister shall marry any persons but such as one or both of whom are inhabitants or resident in the town where he is settled in the work of the Ministry, may not be construed to prohibit Ministers of the Church of England to marry persons of their own Communion, although they be not inhabitants or resident in the same town that such Minister dwells in, was read. It was decided not to bring in a Bill to provide accordingly, for that the Law as it now stands allows Ministers of the Church of England equal liberty with all other Ministers.

80*l.* paid to John Arnold, Prison-keeper in Boston.

Petition of James Gooch on behalf of the town of Wells, praying some allowance towards the completing a Meeting-house and for the support of their Minister, sent up from the Representatives, whose votes of 6*l.* and 10*l.* were concurred with.

Resolve of the Representatives, that in consideration of the great services done by Mr. Samuel Storer, late of Charlestown,

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in the war against the French and Indians, 20*l.* be allowed to his widow, read and concurred with. A Bill in further addition to the Act in addition to the Act for building with stone or brick in Boston and preventing fire, sent up from the Representatives, was read a first time.

July 9. 60*l.* paid to Captain Anthony Checkley, Attorney General, for his service hitherto.

Joint Committee appointed to consider the petition of John Usher, late Treasurer of New England.

Bill for preventing abuses to the Indians, sent up, was read, passed and consented to.

The House of Representatives sent up a list of the persons nominated by that House for President, Vice-President and 15 Fellows of Harvard College in Cambridge, to be inserted in the Charter for Incorporating the same, which the Court have agreed humbly to address His Majesty for ; viz. :—For President, Mr. Increase Mather ; for Vice-President, Mr. Samuel Willard ; for Fellows, James Allen, Michael Wigglesworth, Saml. Torrey, Nehemiah Hubbard, Peter Thacher, Samuel Angier, John Danforth, Cotton Mather, Nehemiah Walter, Henry Gibbs, John White, Jonathan Pierpont, and Benjamin Wadsworth, Masters of Art, with the two Senior Resident Fellows for the time being. The Council gave in their votes for the aforesaid severally, and agreed with the Representatives in their nomination.

The resolve past by the Board, June 21st, containing several Articles in order to the settling of the Eastern Indians under obedience to His Majesty was returned by the Representatives with their concurrence. The resolution was : That it's highly necessary speedily to procure and send three able, learned, orthodox Ministers to have their residence among the Eastern Indians and the Indians on Merrimack River, at such places as the Governor and Council shall appoint, to instruct them in the true Christian Religion ; that the said Ministers be paid 120*l.* per annum each ; that they be strictly prohibited from trading with the Indians, or receiving anything from them more than their present accommodation ; and that they be advised to invite them to embrace the true, Christian religion by extending charity to them from time to time as occasion may present ; that the Agents of the Corporation for propagating the Gospel amongst the Indians be applied unto, that the said yearly allowance to the Ministers so employed, or the greater part thereof, may be advanced and paid out of the stock under their management, and that they would improve their interest in the Corporation for obtaining larger allowances towards carrying on the said work ; that the neighbouring Colonies and Provinces be applied unto and excited to join their assistance in carrying on so necessary and pious a work ; that a trading-house with a suitable fortification be erected in Casco Bay, where the Governor and Council think fit ; that a smith be kept at the said trading-house, and that the Indians have their fire-arms and hatchets repaired at a reasonable charge ; that 300*l.* be advanced towards building the said fortification and trading-house ; that this Government do support

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the whole charge of carrying on what is hereinbefore proposed and directed, over and above such assistance as shall be obtained from the neighbouring Governments, and the Corporation for the Indian affair; that His Excellency be humbly prayed to endeavour the like care and provision may be had and made for the Indians within the Province of New York.

Draught of a Charter for the Incorporating of Harvard College ordered, agreable to the report of the Committee appointed to consider of what is necessary to be done relating to the matters contained in the Address to His Majesty for settling the College. [*Board of Trade.* New England, 49. *pp.* 388–392.]

July 9. Boston

619. Governor the Earl of Bellomont to the Council of Trade and Plantations. The Indians about the towns of Woodstock and New Oxford, about 40 families, have lately deserted their houses and corn, and are gone to live with the Penicook Indians, which has much alarmed the English thereabout, and some of the English have forsaken their houses and farms and removed to towns for their better security. That the Jesuits have seduced these Indians is plain. M. Labourie's letter is very plain evidence; he is a French Minister placed at New Oxford by Mr. Houghton, the Lt. Gov., and myself, at a yearly stipend of 30*l.* out of the Corporation money. There are 8 or 10 French families there that have farms and he preaches to them, and at the same time instructed those Indians, having for that purpose learnt the Indian tongue. I send some memoranda delivered me by Mr. Rawson, a Minister, who writ 'em down from Mr. Sabin's mouth. Mr. Sabin is so terrified at the Indians quitting their houses and corn, that he has thought fit to forsake his dwelling and is gone to live in a town. All the thinking people here believe the Eastern Indians will break out against the English in a little time. M. d'Iberville is lately come to N. York from building forts at Mechisipi in the Bay of Mexico and manning them. I shall not animadvert on his coming to York, but refer you to the L. G's letter. M. d'Iberville came in a 50 gun ship, call'd *La Renomée.*

The Assembly is still sitting here, but will break up this week, and I must be gone to N. York to keep touch with the Five Nations, whom I have promised to meet at Albany, Aug. 10, though to little purpose I fear, for having not yet received orders from your Lordships, or any of the Ministers about any of the things I writ of, I am quite in the dark and know not which way to move. If I could have had orders this spring, I would by this time have had a good sod-fort at the Onnondage's Castle, which would have covered that and the rest of the Five Nations from the French, and have encouraged them above all the things that can be thought of, and that for about 1,200*l.*, but the summer is now almost gone, and I am in great fear our sloath and neglect of those Indians all this time will be the loss of them. I thank god I shall be no way accountable for the mismanagement that will probably lose us the Indians, and our Plantations on this

1700.

whole continent, having given frequent advises home of the condition of the Indians and what I thought would secure their affection to us.

I have recd. no letter from your Lordships for almost a year, except 3 or 4 lines, which served for a cover to the King's letter. They write me word from N. York that a pink was newly arrived there from London in 8 weeks, who assures 'em that Jeffers to whom Mr. Weaver delivered your packet about March 15 was in the Thames April 23. 'Tis wonderful to me that Mr. Weaver could find nobody to send the packet with but Jeffers, who had complained against me to your Lordships, a crosse, ill-conditioned fellow, and who hates me. *Repeats Robinson's account, No.* 581, *June* 22. It were to be wished in such a conjuncture as this your Lordships would write often, and that your Secretary would take care that all your packets be delivered into honest hands and receits taken for them. And I desire it may be hereafter observed that ships coming to Boston are accounted among the sea-faring men to have the advantage of those bound to N. York at least a 3rd part of the way, tho' in point of distance N. York is but 100 leagues further. I hope you will not suffer Mr. Brenton and Mr. Weaver to loiter any longer in England; their ramble is most unaccountable and not honest: they make very bold with the Ministers at home. I had bespoke 400 wheelbarrows and other tools to be provided for building a fort for the Indians, but, to my great amazement and discomfort, I am not directed in that or anything else. I am sorry there was not a duplicate of your Lordships' packet by Jeffers sent by another ship. *Signed*, Bellomont. *Endorsed*, Recd. Read, Aug. 16, 1700. *Holograph.* 3 *pp. Enclosed*,

619. i. Abstract of preceding. 1 *p.*

619. ii. M. Laborie to Lord Bellomont. New Oxford, June 17, 1700. The four Indians who returned here are departing to-day for Penikook with 25 others whom they have persuaded, in spite of all my efforts, to accompany them. They gave as a reason that the inhabitants of New Roxbury continually annoyed them, and when I was not satisfied, they said that the religion of the Penikook Indians was more beautiful than ours, for the French gave them silver crosses to wear on their necks; and they added that there was another strong reason which they could not tell but would soon be known. In all they say I can see the activity of the priests and the concealment of some design. *Signed*, J. Laborie. *Endorsed*, Recd. Read Aug. 16, 1700. *Copy. French.* 2 *pp.*

619. iii. Memorandum of letter from the L. G. of New York to Lord Bellomont, June 24, 1700. ¼ *p.*

619. iv. Memoranda concerning the Indians, delivered to Lord Bellomont by Mr. Rawson, a Minister, June 21-24. Colossians said he and all the other Indians must be gone from Woodstock in three weeks: the Indians cunningly to blind their neighbours bid them farewell and say they have no ill design, as they would not have

1700.

them frighted nor go into garrisons, but privately tell John Sabin they never will return. As for the war, he could not tell which side might prove strongest, but Sabin should not be endangered. Some said the Governor intended to use dogs against the Indians —they must be dogs that bullets would not enter; they valued little what could be done against them. "We have had wars with the English so long that we see what they can do." They would obtain ammunition from Frenchmen who had married Indian Squaws, and by sacking towns. They would starve the people out of the country, then they would draw off to Europe apace. The Maquas would stand by the Indians, and find quarrel one way or another with my Lord. Corroborative statements by Nenequabben and Keensotuk. Keensotuk, grandchild of the late King Phillip, Sachem of Mount Hope, informed Sabin that the Pennecocks would certainly this summer make war upon Oweneco, the Sachem of the Mohegins, for their discovery of the plot to the English. If the English helped them, then it would draw the war upon them; if not, the Mohegins might privately kill Sabin or some Englishman, and lay it on the Pennecocks, and that would occasion wars betwixt them and the English. Colossians said the Pennecocks were trying to prejudice the Maquas against the Mohegins. *Copy.* 2½ *pp.*

619. v. Account of the stock of the Corporation for the Indian Work, June 1, 1700. 1 *p.* [*Board of Trade.* New England, 10. *Nos.* 49, 49.i.–v.; *and* (*without enclosures*) 38. *pp.* 170–177; *and* (ii. *only*) *America and West Indies.* New York, 580. *No.* 23.]

July 9. **620.** Memorandum of Lord Bellomont's letter above. ½ *p.*

620. i. Extract of letter from the Lt. Gov. of New York to the Earl of Bellomont, June 24, 1700. On Monday last Mr. Hungerford got out of the gaol, nor has he been since heard of, though I have done my part in order to retrieve him. On Wedn. evening came up at once to the watering place a French Man-of-war of 50 guns, the Chevalliere D'Iberville, Commander, who with his second Capt. wer born at Canada. She came from Messasipi and bound for France; their pretence is to wood and water, though I rather believe it is to examine our channel and harbour, as I this minute heard, but I have no proof they have yet been sounding, tho' will take care strictly to enquire by keeping our barge out a cruising every night during their stay, and if find they are, will positively forbid them. I am further told the late King James had made an absolute gift of this Province to the French King, and that 'twas thought this ship had orders to touch in here, under the pretence aforesaid to examine our channel and harbour (for 'tis much out of his way

1700.

home). If this be truth, 'twill be time to reinforce and refortify, for the French are men of too great diligence to slip any advantageous opportunity. *Endorsed*, Recd. Read Aug. 16, 1700. ¾ *p.* [*Board of Trade.* New York, 10. *Nos.* 18, 18.i ; *and* 54. *pp.* 374–379 ; *and* (i. *only*), *America and West Indies.* New York, 580. *No.* 24.]

July 9. Boston. **621.** Governor the Earl of Bellomont to the Earl of Jersey. I am under all the trouble and discouragement imaginable for want of orders from your Lordship and the rest of the Ministers in this conjuncture, which requires all the care, dispatch and vigour that possibly can be used for preserving the Indians in friendship with us, and by that means preserving these Plantations from the French, who by the measures they take and their indefatigable pains, shew they thirst immoderately after these Plantations, as having a right notion of their vast value, which is what we seem to want. I refer myself to the copy of my letter to the Council of Trade. *Signed*, Bellomont. *Holograph.* 1 *p. Enclosed,*

621. i. Duplicates of *Nos.* 619.ii. and iv. [*Board of Trade.* New England, 10. *Nos.* 50, 50.i.–iii.]

July 9. Boston. **622.** Governor the Earl of Bellomont to Mr. Secretary Vernon. I write now in the anguish of my soul, being quite dispirited from want of orders from your Ministers. I enclose copy of my letter to the Council of Trade. There came hither two ships from London the last week in May, another four days ago, which brought me not a letter from any of the Ministers. What must the people here and in N. York think, but that either the King and his Ministers have no sort of care or value for these Plantations, not minding whether they fall into French hands or no, or else that I am in disgrace with the King ? I never in all my life was so vexed and ashamed as now ; I put the best face I can on it, but I find other people take the liberty to judge of the present conduct of affairs in England. It had been kindly done of the Ministers to have rebuked Mr. Weaver's impertinence in staying all this while in England, where he has no just pretence of business, unless taking his pleasure may be called so. In my opinion he should be ordered peremptorily to come away with the first ship, or be turned out and another capable man sent in his place. *Signed*, Bellomont. *Endorsed*, R. Aug. 16, 1700. *Holograph.* 2 *pp.* [*Board of Trade.* New England, 10. *No.* 51.]

July 9. Boston. **623.** Minutes of Council of Massachusetts Bay. Pursuant to a resolve of the General Assembly, June 21, that some meet persons be appointed by His Excellency and Council to find the southernmost part of Charles River and of any and every part thereof, and the southern line of the late Colony of the Massachusetts Bay as anciently run by Nathaniel Woodward and Solomon Saffery, and to make their report to the General Assembly, Elisha Hutchinson, James Taylor, Joseph Prout and William Antram were appointed for that affair.

1700.

Licence granted to Elizar Holyoke to erect a timber building on his wharf by the mill-pond in Boston, on the backside of all his other buildings.

17*l.* 10*s.* paid to Col. Elisha Hutchinson for pine boards by him received from Robert Eliot of Newcastle in 1693.

53*l.* 4*s.* paid to Capt. Cyprian Southack for the wages and subsistance of himself and two men on board the *Province* Galley, Oct. 26, 1699—March 5, 1700.

79*l.* 9*s.* 7*d.* paid for the services and billetting of soldiers in the frontier towns, impressed for H.M. service, March 17—April 22, 1700. [*Board of Trade.* New England, 49. *pp.* 301, 302.]

July 9. **624.** Minutes of Council in Assembly of Barbados. A General Thanksgiving for the late deliverance from sickness ordered to be observed on July 25th.

His Majesty's letter, Feb. 10, 1699, about sending home pirates was communicated to the Board, also a letter from the Navy Board, March 15, 1699, relating to H.M. ships of war being furnished with stores, etc.

200*l.* ordered to be paid to Mr. Guy Ball towards completing the house in James Fort.

Petition of Capt. Gilbert for pay for the sloop *Amity* employed against the French referred to Committee of Accounts.

On the Petition of Mary Downes, widow, complaining that one Ellis Smith having surreptitiously married Hannah Rootley, under 11 years of age, barbarously ill used her so that she fled to her grandmother, the petitioner, and having since concealed her refused to let her appear before this Board, ordered that he be arrested and give bail to appear the next Sessions and security for the appearance of his pretended wife at the Council Board this day four weeks.

Writ issued for a Member of Assembly to serve for St. Peters. Five acres of land in the parish of St. Thomas escheated to the King granted, upon his petition, to William Halstead, senior. Charles Sawyer similarly granted 3 acres and one negro woman in the parish of St. Michael, late in the possession of Elizabeth and Savery Jemotson.

Ordered that Richard Bowles, Escheator General, lay before the Board an account of all Escheats that have been returned into H.M. Court of Exchequer since His Excellency's arrival to this Government, and in future that he return an account of such escheats every six months.

July 10. Magnus Popell's proposals for making a harbour between the town of St. Michael and the Bay read, approved and recommended to the Assembly, who were desired to prepare a Bill accordingly.

245*l.* 15*s.* 2*d.* paid to Col. George Peers for fortifications in St. Michael's.

80*l.* paid for two years' salary to George Grossart, armourer to the Magazine.

279*l.* paid for salaries of Samuel Goodwyn, gunner of Charles Fort, and eleven montrosses.

Salary of Samuel Goodwyn, gunner of Ormond's Fort, and one mattrosse, ending Sept. 5, 1699, ordered to be paid.

1700.

Salary of Wm. Coates, gunner of Ormond's Fort, and another mattrosse paid.

John Murrey, gunner of the Battery at the Yacht, and one mattrosse paid 3 years' salary.

Salary, etc., paid to William Stanley, cooper of the Magazine.

Two years' salary paid to Thomas Jowell, gunner of Fontabell, and John West, Montrosse.

Salaries of John Adams, gunner of Oistins, and mattrosses paid.

Two years' salary paid to Edward Fennell, senior gunner of the Line at the Bay, and Edward Fennell, jun., mattrosse.

Two years' salary of William Kipps, gunner of Willoughby Fort, and of John Babb, mate, paid.

Two years' salary of Richard Baynes, gunner, and Jeremiah Bird, montrosse, of James Fort, paid.

Two years' salary paid to John Karvis, mate of Orman's Fort.

Two years' salary paid to Francis Irking, mate of James Fort.

30*l.* sterl. salary paid to Edward Skete, gunner of James Fort.

Salary, etc., paid to John Chileott, senior.

Salaries of John Owen, Tho. Sartain and John Chileott, junr., matrosses of James Fort, paid.

25*l.* paid to John Austin for a negro who was executed for stealing goods. [*Board of Trade.* Barbados, 65. *pp.* 515–525.]

July 9. **625.** Minutes of General Assembly of Barbados. Resolved that a new election be held for St. Peter's parish, Col. Harrison being dead and there being an equality of votes returned. The House adjourned. [*Board of Trade.* Barbados, 65. *pp.* 563, 564.]

July 9. James City. **626.** Minutes of Council of Virginia. His Excellency laid before the Council His Majesty's letter of Dec. 26, 1699, appointing Robert Carter and John Custis members of the Council.

Benjamin Harrison, late Clerk of the Council, could not attend to deliver the books of the Council Office, through indisposition. John Custis attending was sworn a member, after explaining that, living as he did at a great distance on the Eastern Shore, beyond the Great Bay of Cheasapeak, where the passage is very often troublesome, his attendance might be hindered.

The Order of May 6th, whereby Capt. Passenger was directed to convoy ships off the coast about 50 leagues without the Capes every twenty days, was reconsidered, His Excellency informing the Council that when he went out in the *Shoreham* with the late Fleet, they found the strength of the current such that sailing outwards 40 or 50 leagues, if they had not had fair winds they might have been two or three weeks before they had recovered the Capes. Ordered that Capt. Passenger, every 20 days or less cruising or convoying, shall go no farther than the soundings. Capt. Passenger ordered to defer the sale of the ship *La Paix* till the 25th as he proposed.

Trial of a sloop from Maryland, lately seized by Capt. Passenger, ordered.

1700.

Edward Hill excused attendance by reason of a great indisposition of body.

Proclamation for the apprehension of pirates ordered.

His Excellency laid before the Board the list and instructions of the Fleet that sailed from Virginia, June 9th, under convoy of H.M.S. *Essex* prize, together with a list of the pirates they carried.

His Excellency laid before the Board the Order in Council, Jan. 18, with letter thereupon, Feb. 16, $\frac{1699}{1700}$, concerning denization of aliens.

Petition of John Jacob Cognan Danze for the grant of escheated land formerly belonging to Peter Craw, decd., an alien, was referred to Mr. Auditor Byrd and Mr. Attorney General. [*Board of Trade.* Virginia, 53. *pp.* 481–483; *and America and West Indies.* Virginia, 638.A. *No.* 1.iii.]

July 10. Whitehall. 627. Council of Trade and Plantations to Mr. Secretary Vernon. We send for your information an extract of a letter from Col. Fox, Nevis, May 18 (*q.v.*) relating to the protection given to some pirates by the Governor of St. Thomas. *Signed*, Phil. Meadows, Abr. Hill, Geo. Stepney. [*Board of Trade.* Leeward Islands, 46. *p.* 54.]

July 10. Whitehall. 628. Mr. Yard to the Council of Trade and Plantations. The Lords Justices desire that you will lay before them the representation you have received from my Lord Bellomont about preserving the King's timber in the West Indies, and that your Lordships will add such observations and scheme of your own as you judge proper for effecting the same. *Signed*, R. Yard. *Endorsed*, Recd. July 11, Read July 24, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 52; *and* 38. *p.* 89.]

July 10. 629. Proposals of the Hudson's Bay Company as to the boundaries between them and the French, (in case of an exchange of places and that the Company cannot obtain the whole Streights and Bay, which of right belongs to them):—(1) That the French be limited not to trade or build beyond the bounds of 53° or Albany River, vulgarly called Checheawan, to the Northward on the West Main or Coast; (2) or beyond Rupert's River to the Northward on the East Main. (3) The English not to trade or build beyond the same bounds of 53° or Albany River, South East towards Canada on any land which belongs to the Company. (4) or similarly beyond Rupert's River. (5) Neither side to extend their boundaries contrary to these limitations or to instigate the natives against either nation. The French may reasonably comply, for so they will have all the country S.E. betwixt Albany Fort and Canada to themselves, the best and most fertile part and much larger than can be supposed to be to the Northward, and the Company deprived of what was always their undoubted right. Unless the Company be so secured it will be impossible for them to continue long at York Fort, should they exchange with the French, nor will the Trade answer their charge. If the French insist to have the limits settled between York and

1700.

Albany as in the latitude of 55 degrees or thereabouts, the Company can by no means agree. *Signed*, Wm. Potter, Sec. By order of the General Court. *Endorsed*, Recd. Read Jan. 22, 170$\frac{0}{1}$. 1 *p.* [*Board of Trade.* Hudson's Bay, 2. *No.* 27; *and* 3. *pp.* 93–95.]

July 10. Whitehall. **630.** William Popple to John Sansom. The Council of Trade and Plantations being now about preparing a Commission and Instructions for Capt. Bennett, appointed L.G. of the Bermuda Islands, and considering that since the first draught of Instructions prepared by the Commissioners of H.M. Customs in pursuance of several laws relating to Trade and Navigation, which have been hitherto sent to the Governors of H.M. Plantations in the same terms, *mutatis mutandis*, as they were first drawn, there have been other laws made here relating to the same matter, desire you to propose unto the Commissioners of H.M. Customs, whether it be not convenient to enumerate any such late laws or make any other alterations in the Instructions relating to Trade that are now to be given to Capt. Bennet. And also that a new draught, corrected as the Commissioners of the Customs think fit, be sent to their Lordships that it may be a standing form for the future, at least until some new law shall require further alterations. [*Board of Trade.* Bermuda, 30. *pp.* 33, 34; *and* Plantations General, 35. *pp.* 305, 306.]

July 10. Whitehall. **631.** Journal of Council of Trade and Plantations. Upon consideration of Capt. Bennet's Commission and Instructions, it being observed that there have been new Laws made relating to Trade, the Secretary was ordered to write to Mr. Sansom to know whether the Commissioners of the Customs do not thereupon think fit to make any alterations in the draught of those Instructions by enumerating therein such late laws, or otherwise.

Letter to Mr. Secretary Vernon, enclosing extracts of Col. Foxe's letter, signed and sent.

Remainder of papers referred to in Lord Bellomont's letter, May 25th, read. Copy of paragraph relating to pirates and pirates' goods sent home by Rere-Admiral Bembow ordered to be sent to the Secretary of the Admiralty. [*Board of Trade.* Journal, 13. *pp.* 111–113; *and* 97. *No.* 123.]

July 10. **632.** Minutes of Council of Virginia. Robert Carter, after offering to the consideration of the Council the distance of his habitation and the fact that he was then Speaker of the Assembly, was sworn a Member.

Warrants signed for sundry payments.

Letter from Henderson Walker, May 31st, North Carolina, laid before the Board.

Mr. Auditor Byrd and Attorney General ordered to consider of a more proper method for collecting quit-rents and H.M. Revenue of 2*s. per hhd.*

It was resolved to reward the inhabitants of Accomack County who seized the condemned pirates John Hoogling, Cornelius Franc, and François Delaunee, who had escaped from the Custody of Major John Thorowgood, late Sheriff of Princess Anne County.

1700.

His Excellency laid before the Council Board the letter of the Lords Commissioners of Trade, Jan. 4, $\frac{1699}{1700}$. The paragraph concerning the Public Seals was referred to a fuller Council. It was resolved that the paragraph concerning the Indians' Lands should be transmitted to the several Courts appointed to settle claims in Pomonkey Neck, etc. The passage dealing with defective titles was recommended to the Committee for the Revisal of the Laws. That relating to the Western Indians was referred to the next meeting of Council. The passage referring to the North Carolina Boundaries was referred to Mr. Auditor Byrd and Mr. Attorney General. The first part of the paragraph relating to the revisal of the laws, being of great moment, was referred to a fuller Council; the second part was recommended to the Committee for Revising the Laws.

104*l.* 11*s.* 2*d.* paid to His Excellency.

Commission of Dionisius Wright to be Clerk of the Council read and signed.

His Excellency laid before the Council a letter signed Robert Collson, June 8, 1700, relating a conference he had had with the Emperor of the Piscatoway Indians. Also a letter from Lt. Col. Geo. Mason on the same subject. Also a letter from the same, June 18, 1700, giving relation of a barbarous and horrid murder committed upon a man, a woman and six children in Stafford County by Indians.

His Excellency stated that he had informed the Governor of Maryland of this murder, who by letters to Capt. Phillip Hoskins and Mr. Wm. Dent had used all means for the detection of the murderers. Whereupon the Council returned hearty thanks to His Excellency of Maryland, and prayed for the continuance of such good intelligence and correspondence betwixt the two Governments, which they believed would very much conduce to the safety and preservation of His Majesty's subjects in both Governments; and, to render it more effectual, Lt. Coll. Mason was ordered to continue the Rangers in Stafford County. This to be communicated to the Governor of Maryland, recommending to him and the Council of Maryland that H.M. Advice-boat *Messenger* be sent to lie in the freshes of the Potomack River near to the Indians, which "will in some measure cherish and encourage His Majesty's subjects, be a terror and dread to the Indians, a safety to herself from the worm and most likely to answer the end of her coming hither." Lt. Col. Mason, Commander in Chief of the militia in Stafford County, ordered "to raise out of the lower parts of the County twelve good and able freemen, who are noway incombred with the cares of a family" with two officers, to go out and range six at one time and six at another. Their proceedings to be communicated by expresses to Col. Addison and through him to the Governor of Maryland. The expenses to be laid before the Assembly.

Proclamation, proroguing the Assembly till Oct. 23rd, signed.

Hancock Custis was recommended to His Excellency as fit to be Naval Officer in the Eastern Shore district.

The Naval Officers were ordered to appear at the City of Williamsburgh at the next sitting of Assembly, to make up their accounts.

1700.

In order to prevent frauds in parish and in County titheables and levies, the Magistrates of the County ordered to require a full return of individuals titheable, etc., and of pious donations and endowments, to be made and laid before the Assembly. This Order to be published in every Court, Church and Chapel.

In the case of any new elections of Burgesses, the Sherifs ordered to take especial care that they be held in aeeordanee with the laws.

All claims for public serviee rendered ordered to be legally certified in the County Courts and sent to the Assembly by the respective Burgesses.

His Excellency and y^e^ hon^ble^ Counеil seriously eonsidering how much it will conduce to the service and honour of his most sacred Majesty and y^r^ eare and benefit of all His Majesty's good and loving subjects inhabiting this his ancient and great Colony and Dominion of Virginia, y^t^ y^e^ Capitol be erected and built with all possible expedition in such manner as is by law already directed, ordered y^t^ new proposialls issue throughout this Colony and Dominion to invite all persons y^t^ are willing to come and undertake y^e^ same either in y^e^ quality of an undertaker, overseer or workman in any part of the said building. [*Board of Trade.* Virginia, 53. *pp.* 484–498.]

July 10. 633. Minutes of Counеil in Assembly of the Massachusetts Bay. A resolve of the House of Representatives was sent up,—that 220*l.* per annum be paid out of the Public Treasury to the President of Harvard College; that the person chosen President of Harvard College shall reside at Cambridge; that a Committee of both Houses wait on the Rev. Mr. Increase Mather and aequaint him that this Court has chosen him President of Harvard College, and desires him to aeeept of said office, and so expeets that he repair to and reside at Cambridge as soon as may be; the said Committee to make report of the President's answer. This resolve was read and eoneurred with.

Account of John Usher referred to a Committee of both Houses.

James Taylor, Treasurer and Reeeiver General, paid 200*l.* salary.

Draught of a Charter for incorporating Harvard College, read a first and second time and sent down.

The Board read and consented to a Resolve of the Representatives that the Committee, appointed to inspect claims for wages due during Sir E. Andros' Government, be empowered to grant debentures, to be paid by the Treasurer, to all such creditors as to their satisfaetion shew forth their claims to be just and due; that all claimers of debts shall, if the Committee see meet, be put upon swearing before them, what they have received already, either as wages or of the Commissary; that the Committee have power to make such deductions and alterations as upon further information there may be reason for; that the Committee shall receive claims from persons in the Province for the spaee of half a year, and from sueh as are out of the Provinee till next May Session of this Court and no longer, which the Committee are to signify in their advertisements.

1700.

Report of Committee, that the building of a bridge over Taunton great river at the south part of Taunton, will be of very great use and benefit to the public, and in a special manner to the southerly parts, and in particular to the towns of Taunton, Freetown, Tiverton, Little Compton and the chiefest part of Dartmouth, together with the vote of the Representatives that the towns mentioned be apportioned to bear the charge of rebuilding it, was read and agreed to.

A Bill in addition to the Act for due regulation of weights and measures, sent up from the Representatives, was read a first and second time, and a concurrence passed with that House that it be engrossed.

July 11. Bill in addition to the Act for building with stone, etc., was read a second time and voted to be dismist.

Bill, for repealing a clause in the Act for collecting and assessing taxes, was read again and voted to be dismist.

Bill in addition to the Act for regulating weights and measures, sent up, was read, passed and received His Excellency's consent.

An Order was passed by the Board and agreed to by the Representatives that all the lands belonging to Thomas Danforth be and belong unto Framingham, and that the inhabitants of Framingham on the first Tuesday in August next do choose Selectmen and Town Officers to serve until March next.

The Committee reported that Mr. Increase Mather made answer that he could not remove without acquainting his Church; if they consented to give him up to this work, he would, as to his own person, remove to Cambridge, but could not see his way clear to remove his family, while he heard of the passing the Charter in England. Mr. Mather was again sent to from the Court to call a meeting of his Church this evening. A Committee of the two Houses was sent to the said Church to desire their consent that Mr. Mather might remove to Cambridge and undertake the care of the College as President thereof.

Bill for continuing the Act for giving necessary supplies to the Eastern Indians, sent up from the Representatives, was read a first time. [*Board of Trade.* New England, 49. *pp.* 392–396.]

July 11. Whitehall. 634. William Popple to Josias Burchet. Enclosing copies of papers, relating to pirates, received from Lord Bellomont and with his comments upon them, to be laid before the Lords Commissioners of the Admiralty. *Annexed,*

634. i. List of Papers referred to. [*Board of Trade.* New England, 38. *pp.* 84–88.]

July 11. Boston. 635. Minutes of Council of Massachusetts Bay. 1000*l.* paid to H.E. the Earl of Bellomont, and 15*l.* to Samuel Austin, formerly of Wells, innholder, but now of Charlestown, in consideration of divers good services formerly, he being reduced to great want. 25*l.* 16*s.* paid to Capt. Samuel Legg for hire of warehouse. Payment ordered for the subsisting of troopers at Aimsbury, Haverhill and Woodstock in March and April. [*Board of Trade.* New England, 49. *pp.* 303, 304.]

1700.
July 12. Bermuda

636. Governor Day to [?Mr. Secretary Vernon]. In obedience to your letters, July 11 and 17, 1699, I send by this first opportunity, the *Marigold*, Capt. Leonard White, Commander, the body of Daniel Smith, who hath been many months in prison for piracy, together with copies of depositions against him. I have taken up Thomas Smith his father, upon great suspicion of his aiding Daniel Smith and other pirates in purchasing lands for them with their ill-gotten treasure. Our Justices of the Peace have thought fit to bail him. Isaac Adderley (the *Dolphin*) has no respect to the proceeding on his voyage. I think he never intended it, for he makes here another diversion of his owners' money. All the time the *Dolphin* was approaching these islands, the sea was very tempestuous. When we discovered her to be upon the rocks and almost dry, I ordered my own boat out and sent my Deputy Vice-Admiral, pilot, and a very choice gang, who with great danger and difficulty got to her and released her; otherwise she had quickly perished. I demanded reasonable salvage, being advised it was due. But the Master having got a great lump of the owners' money prodigally swaggered up and down, extravagantly and profusely ranting, affronting and threatening. His men sued him for their wages; for his repeated impudencies to me and my officers he was committed to gaol. Upon his petition I set him at liberty, but yet he swore he would carry his vessel out in spite of me and all the forts, which was the occasion of my taking his sails, which I have returned to him. But he proceeds not and continues in his riotous way of living. *Signed*, Sam. Day. *Endorsed*, R. 23 Aug., 1700. 2½ *pp.* *Enclosed*,

636. i. Receipt for the person of Daniel Smith. July 13, 1700. *Signed*, Lin. White. *Seal.* 1 *p.*

636. ii. Copy of deposition of Sampson Pendley, Master of the *Mayflower* of Boston. In 1696 he heard Daniel Smith, William and Benjamin Griffen, Thomas Hollingsworth,—Mincks, Anthony Packer and Thomas Joy several times declare that they came to Providence in the *Fancy* with Henry Avery, the Pirate, etc. ¾ *p.*

636. iii. Copy of deposition of Sarah Birch. (*See Cal.* 1699. *No.* 235.iv.) 1 *p.*

636. iv. Copy of deposition of Daniel Johnson jr. as to the piracies of Daniel Smith and Benjamin and William Griffen with Avery. 1 *p.*

636. v. Copy of deposition of Ephraim Watkins as to land in Devon Tribe bought by William Griffen, reputed a South Sea man. 1 *p.*

636. vi. Copy of Attestation of Rebecca, wife of Ephraim Watkins. Thomas Smith collected rents for Daniel Smith and William Griffen. 1 *p.*

636. vii. Copy of deposition of George Stone, shipwright. Three or four years ago he took on rent from William Griffen one share of land in Devon Tribe with a house at 6*l.* 10*s.* a year. Thomas Smith collected rent. 1 *p.*

636. viii. Copy of deposition of Thomas Watkins as to land held by Daniel Smith. 1 *p.*

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636. ix. Copy of deposition of Capt. John Morris as to land bought by William Griffen, "the easternmost share of land which Capt. Rush bought of Governor Trott." 1 *p.*

636. x. Copy of depositions of John Wilkinson, John Knight, John Jackman, John Woodley and Ferdinando Meade, marriners of the *Dolphin*. Without the aid of the pilot the vessel must certainly have been lost. July 4, 1699.

636. xi. Isaac Adderley to Gilbert Nelson. I apologise for my words and disobedience to the Governor and beg to be released from gaol, promising submissiveness. Copy. ¾ *p.*

636. xii. Copy of petition of Isaac Adderley to Governor Day. *To same effect as preceding.* ¾ *p.*

636. xiii. Deposition of William Croskeys, Deputy Pilot. The *Dolphin* lost two anchors, a piece of her gripe, and had gauled her bough bend. The weather was very stormy. The vessel had been inevitably lost but for the Governor's speedy aid. ¾ *p.*

636. xiv. Certificate of Governor Day that Ed. Jones, Secretary, testified to the correctness of the above copies, Ap. 30, 1700. *Signed*, Sam Day. ½ *p.* [*America and West Indies.* Bermuda, 447. *Nos.* 63, 63.i–xiv.]

July 12. **637**. Deposition of Col. Outerbridge, Justice of the Quorum and Member of Council of Bermuda. On April 23rd the Governor summoned him to St. George's, and there told him he had created to himself a fine voyage, for that if he did not answer such questions upon oath as he should put to him, he would send him to England. Deponent truly answered some questions put to him by the Governor, who "fell into an extravagant passion, calling this deponent the common and usual names of dog, rogue, villain, rascal, etc.," and charged him with taking affidavits without his knowledge or consent. To which deponent replied that at present he should not satisfy His Excellency therein, but, if he had so done, they would in due time appear. "With that the Governor flew into a violent rage and strangely abused this deponent, threatening to pull him by the nose," etc. *Signed*, Wm. Outerbridge. *Sworn* July 12th, 1700, *before* John Brooke, J.P., Member of Council. *Endorsed*, Communicated to the Board by Mr. Randolph. Recd. Read Aug. 26th, 1700. *Copy.* 2 *pp.* [*Board of Trade.* Bermuda, 4. *No.* 35; *and* 30. *pp.* 52–54.]

July 12. **638**. Minutes of Council in Assembly of the Massachusetts Bay. John Foster, one of Mr. Increase Mather's Church, acquainted His Excellency and the Board that they had consented to his going to Cambridge.

Draft of a Charter for Incorporating of Harvard Colledge in Cambridge, agreed by the Board to be solicited for unto His Majesty, and sent down to the Representatives, was returned with their concurrence.

Address to His Excellency was signed by both Houses and presented with the draught of the Charter of Harvard College.

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Bill for continuing the Act for giving necessary supplies to the Eastern Indians read a second time, and a concurrence was passed with the Representatives that it be engrossed.

Bill granting His Majesty a tax upon polls and estates, sent up, was read a first and second time, and a concurrence was passed with the Representatives that it be engrossed.

James Taylor, a new elected Treasurer of the Province, took the oath.

500*l.* advanced to His Excellency to be improved in managing the Address of this Court to the King.

50*l.* paid to the Honble. William Stoughton for his service as Chief Justice of the Superior Court.

50*l.* paid to Rev. Mr. Increase Mather, President of Harvard College, for his service in that office the year past.

30*l.* paid to Lawrence Dennis, as part of the debt due to him for his disbursements for the Public.

A resolve of the Representatives, that the report of the Committee of Claims be so far accepted, as that half of what is reported and shall finally be found to be due by the said Committee be paid to each of the respective creditors or claimers out of the tax raised the present Session of this Court by the Treasurer, read and agreed to.

Bill continuing the Act for giving necessary supplies to the Eastern Indians, sent up, was read, passed and received His Excellency's consent.

July 13. Letters to the Lords Commissioners of the Council of Trade and Plantations and to several of the Ministers of State, acquainting them of the Address to His Majesty and requesting them to favour it, were approved and signed by both Houses.

Bill for granting His Majesty a tax upon polls, etc., sent up, was read, passed and received His Excellency's consent.

The Order for accommodating the differences relating to the Ministry of Watertown was returned by the Representatives with a non-concurrence. The Resolve of the Board, June 28th, upon the petition of Thomas Jackson, was returned by the Representatives with a non-concurrence.

12*l.* paid to John White as Clerk of the House of Representatives.

The appointment of a Committee by the Representatives, to provide a suitable place at Cambridge for the reception and entertainment of the President of Harvard College and to consider what is meet to be done with respect to the house already built for the President's House, was agreed to.

The appointment of a Committee by the Representatives, to agree with the parties concerned what shall be paid for the house rent and accommodations of His Excellency the Governor, and to reserve the same or some other until His Excellency's return, was consented to.

The Board read and concurred with the resolve of the Representatives, that the garrison for the Castle on Castle Island near Boston be paid, the Captain 100*l.* per annum, the Lieutenant, for performing the duty of lieutenant and gunner, 80*l.*, the Gunner's mate 30*l.*, every private centinel the usual pay, and six men to

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have the name of Quarter Gunners, to be included in the number of the 20 already allowed for the Castle in time of peace, 10*s.* per month more than the private centinels; provided that the Captain be upon the place at least three days in a week and as oft else as extraordinary occasions call for him, except in case of sickness, etc., and that the Lieutenant be constantly there, and that care be taken to discipline and train the men in gunnery.

The Representatives concurred in the order of the Board empowering the President and Fellows nominated to take the oversight, care and government of Harvard College and students, until His Majesty's pleasure be known as to the settlement of the College or that this Court take further order therein.

Capt. Ephraim Savage was appointed Collector of Excise for Suffolk in place of Penn Townsend resigned.

The Board read and assented to the resolve of the Representatives, that, if any of the Commissioners for Excise chosen by this Court die or refuse to serve, it be left to the Governor or Commander-in-Chief for the time being with the Council to appoint others.

His Excellency ordered that the Acts and Laws, passed this Session since the last publication, be published, and, after a short Address to the Representatives, prorogued them till Aug. 21. [*Board of Trade.* New England, 49. *pp.* 396–403.]

July 13. Boston. **639.** Council and Assembly of Massachusetts Bay to the Council of Trade and Plantations, begging them to present their Address to the King and to countenance the ends therein proposed. *Signed*, Isa. Addington, Sec., John Leverett, Speaker. *Endorsed*, Recd. Sept. 23. Read 25 ditto, 1700. 1 *p.* [*Board of Trade.* New England, 10. *No.* 55; *and* 38. *pp.* 232, 233.]

July 14, Boston. **640.** Minutes of Council of New York. Proclamation ordered summoning the Representatives punctually to give their attendance on July 25th, and intimating that the Session will be short. [*Board of Trade.* New York, 72. *pp.* 329, 330.]

July 15. Boston. **641.** Governor the Earl of Bellomont to the Council of Trade and Plantations. The General Assembly of this Province having addressed His Majesty, I send your Lordships the Address which I, as well as the Council and Representatives make it my humble desire your Lordships will please to present to His Majesty. It may be said to contain three of the most important points that relate to this Province—the bounds between us and the French to the Eastward, the fishery, and the establishment of the College here by the King's Royal Charter. It grieves me to think of Nova Scotia's being in French hands, rather for the sake of the noble fishery on that coast than of the soil. But for the present I see no remedy. If England were in better circumstances of power than it can now be supposed to be after so long and expensive a war, perhaps it may become the wisdom of the nation to question the validity of the cession of Nova Scotia by Charles II. The French King, tho' absolute, has on several occasions disclaimed the power of alienating any of the

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dominions of his Crown without the consent of his Parliament; and that a King of England, who we call a Limited Monarch, should give, sell or truck away so very valuable a part of the dominions of the Crown without the consent of the Parliament of England, is what I cannot reconcile to sense and good reason. By the several evidences I have lately sent you it plainly appears the French do immoderately thirst after these Plantations. Besides, Mr Nelson, a marchand of this place, told me in London and has often told me since, that during the late war, when he was prisoner in Canada, Governor Count de Frontenac used often to wish his Master had Boston and this country, that then he would quickly be master of all America. Some marchands of this town have told me 'tis the common language of the French fishermen to ours, as they often fish together on the coast, they admire these countries and say their King will have 'em in a little time. 'Tis agreed on all hands the River of Ste. Croix is the true western boundary of Nova Scotia, but the French are cunning enough to pretend as far as Kenebeck River, westward, well knowing that between Ste. Croix and Kenebeck there's a noble tract of country of 190 miles in length along the coast affording excellent timber and masts, which are wanting to the E. of Ste. Croix, besides the fishery on all that coast, which is not less valuable than the woods. Now if the French can bubble us out of that tract of country, they will be in the right of it, and we in the wrong; but I hope we shall not be so foolishly good-natured to 'em. If the King will please to order me to build a good fort at Ste. Croix and allow me the means of doing it, I will quickly obey his commands. The French Jesuits, it seems, are resolved not to stay for a determination of bounds, they having built a great Church at a place called Narigewack on Kenebeck River, where the Indians have a Castle, as they call it, and the Jesuits have writ hither for a bell for their Church, but I do not suffer a bell to be sold 'em. And if I had my will I would soon rout 'em out of that place and all other places on this side of the River Ste. Croix. I send you the copy of an Address to me from the Council and Representatives, wherein they recommend to me the promoting all I can the obtaining the ends they humbly propose in their address to the King, which I hope will easily be obtained by your Lordships' influence and advice. The settlement of Harvard College seems to involve the ardent desires and affections of these people beyond all other things in this world; for as they have an extraordinary zeal and fondness for their religion, so anything that disturbs 'em in that, touches 'em in their tenderest part. I joined with the Assembly in this Address, not because I approve at all of their Church government, but out of a principle of moderation, for tho' I have all my life been of the Church of England, yet I have ever thought the Protestant Churches in the wrong to quarrel about the modes of worship and the externals of it, when the essentials of religion were the same; therefore I have long since concluded in my own mind that we ought to bear with our Protestant brethren in their way of worship, and leave the rest to God Almighty. Whoever goes about to abridge Protestants of the exercise of their consciences does not rightly distinguish

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between the quarrel of some hot-headed Churchmen and the cause of God. Your Lordships know very well I have not spared to acquaint you with the faults of these people, and I am as plain with them, but then I reprove 'em with temper and not with passion, and I endeavour to reason 'em out of their errors, by which means I have gained upon 'em, and I flatter myself much if I have not a good interest in the people here of all sorts and ranks; which interest I labour to improve for the King's service and the interest of England.

I have desired Sir Henry Ashhurst to wait on your Lordships from time to time, to receive your directions towards carrying on the College-charter. The General Assembly do not desire there should be any clause in the Charter exclusive of Members of the Church of England, but they desire the power of visitation may be lodged in the Governor and Council, and not in the Governor singly, because, as this country is very remote from England, a Governor that were a violent man and an enemy to their religion might probably vex and disturb the whole by an attempt upon their College, in order to innovate in matters of discipline or religion, and that before they could make their complaint to the King and be relieved against such a Governor. I hope you will gratify 'em in this point, which I humbly conceive is reasonable enough, as it is consonant with the liberty of conscience which the Act of Toleration allows, with His Majesty's generous temper and singular moderation, and with the wisdom of the Government of England, which I am apt to believe will think it safest and best to cramp these people, as often as they deserve it, in their trade rather than to abridge or disturb their consciences. If it be objected that the lodging of the visitation in the Governor and Council is derogatory to the King's prerogative, I answer, 'tis not so great a condescention in the King as the constitution of His Majesty's Council in this Province, who by an express clause in their Charter are annually chosen by the House of Representatives. There is this to be considered too, that whenever these people abuse the King's favour, a writ of *Quo warranto* or an Act of Parl. will reach 'em.

I have laboured all this while under great difficulties, but can be no longer silent. My appointments are so very narrow that I am not able to live on them; I have but 400*l.* a year salary for New York Government and 700*l.* for this, that is their 1,000*l.* here makes but 700*l.* sterl., and I am their pensioner just as long as they please. I suppose, too, that, whenever I fail of being here at their May Session of Assembly, I must go look for the 1,000*l.* So that I am upon an ill foot as to a salary here, and not reputable either for the King or myself. I cannot find fault with the people for not allowing me more, because they used to give their Governor, in the time of their old Charter, but 100*l.* a year salary. I hope your Lordships will advise the King to settle such a salary as may for the time to come encourage men of quality and honour to come from England and accept of these Governments. I do not see how a Governor can be easy under 1,200*l.* a year sterl. for this Government, 300*l.* for N Hampshire, a 1,000*l.* sterl. for N. York, or the present 400*l.*

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for N. York, with the command of a regiment. Sir Edmond Andros had 1,200*l.* a year sterl. by way of salary for this Government, and 1,400*l.* sterl. for the last year he was Governor here, as appears by a paper I send you extracted from Mr. Usher's accounts, then Treasurer. I send you a copy of the Lords Justices' engagement for my salary, there having been then no salary ascertained. Tho' no sum be therein mentioned, yet 1,200*l.* a year was the salary I proposed, and was tacitly consented to, and for proof of it, I received 1,200*l.* equipage-money before I left London, and 'tis the constant practice to pay the Governors of Plantations a sum of money equal to a year's salary to provide their equipages. I desire you will please to move the King that I may have 2,500*l.* a year for the time to come and all arrears on that foot since the date of the King's Commission; otherwise I shall have had a very uncomfortable time, having run in debt considerably, which is all I have got by taking a world of pains and serving the King faithfully. What sum of money they give me here yearly, I will accept as part of the 1,200*l.* salary, but I hope you will so order the matter that I may be allowed the deficiency out of the Exchequer in England or out of the Revenue of N. York, for I am certain the Assembly here will not exceed 1,000*l.* a year, their money. 'Tis high time this thing of a Governor's salary should be settled, for the King's honour and interest. Few men are honest out of pure principle: 'tis best therefore that Governors of Plantations have competent salaries and certain, that they may find their account in being honest. I hear nothing of a Judge and Attorney General for N. York, and without 'em I shall not possibly be able to improve the Revenue nor to keep good order among the people. A sound good lawyer and honest will well deserve 1,000*l.* a year sterl. as Judge of N. York and N. Hampshire, and a good Attorney General 500*l.*, to serve for this Province as well. A good and upright administration of justice in N. York and N. Hampshire would do a wonderful service to the Crown by the influence it would have on the people there and in the neighbouring Plantations, who seem to be out of conceit with the Laws and Government of England, because they know not the blessings of either, and because those pettifoggers who practice the Law among 'em are rooks and pickpockets, having no skill in the law, but put people upon litigating and then take fees from both sides, so that, right or wrong, the issue goes for him that has the better purse. The Revenue of N. York under a good management will be double what 'tis now. I desired you formerly that I might have a man of sense to be Secretary at N. York; I am not possibly able to bear with the present Secretary, Mr. Clarkson, he is so very weak and uncapable. He keeps the same Scotch boy in the Secretary's office that served Jamison in that office; the boy is about 15 years of age and all the Records of the Province are entrusted with him, which is shameful and unfit to the last degree. Your Lordships may perhaps think me very querulous, but I do undertake to prove at the hazard of my reputation, that there is not one tolerable officer of all those that have civil employments in the Province of N. York, except it be the Lieut. Governor,

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who I believe is a man of honour. I would rather govern four such provinces as this for matter of my ease, than that of N. York. The assistance I have from Mr. Stoughton and Mr. Addington, both of 'em men of business and integrity, is a great advantage to me. The Gen. Assembly ended their session but two days ago. I send your Lordships the laws we have passed this session. Within two days, I intend, God willing, to embark for N. York, where I have appointed a meeting of the General Assembly on the 25th, and will hold a session of 3 or 4 days to try if they will grant the King a tax of 2,000*l.* to build a fort for the Five Nations at the Onnondage's Castle, and to repair with new stakes the forts of Albany and Schenectade, if no better forts will be allowed to be built there. I meet the Sachems of the Five Nations at Albany, Aug. 10, when no endeavour of mine shall be wanting to confirm their obedience to the King. I beseech you to consider the vast fatigue I undergo and to dispose His Majesty to recompense my services by allowing me a suitable salary for the time to come and the full arrear for the time past. I hope I shall receive orders from your Lordships before I go to Albany, that I may be directed how to conduct myself for the King's service. *Signed*, Bellomont. I have prorogued the Assembly to Aug. 21, that if the Penicook and Eastern Indians fall on the Monheag Indians, as 'tis expected, the Assembly may be resorted to for advice and assistance. The Monheags live in Connecticut Colony, are about 120 fighting men and have been always faithful to the English. 'Twas their Sachem that discovered the confederacy and designed insurrection of the Penicooks and Eastern Indians against the English, about March last, to the Governor of Conecticut. 'Tis in revenge for that discovery that the other Indians intend to make war on 'em ; of which I have given that Governor notice, and advised him to put the Monheag Indians on their guard. *Endorsed*, Recd. Sept. 2. Read ditto, 25, 1700. *Holograph.* 8 *large pp. Enclosed,*

641. i. Abstract of preceding. $2\frac{1}{4}$ *pp.*

641. ii. Address of the Council and Assembly of Massachusetts Bay to Lord Bellomont, referred to in preceding. Boston, July 12, 1700. *Signed*, Isa. Addington, Sec., and John Leverett, Speaker. *Copy.* $1\frac{1}{2}$ *pp. Same endorsement.*

641. iii. Address of the Governor, Council and Assembly of Massachusetts Bay to the King. About 18 months since we represented to your Sacred Majesty the insults of our neighbours the French, and the interruptions by them given to your Majesty's good subjects in their Fishery, as also their ungrounded claim to a considerable part of your Majesty's dominion, namely, to extend their boundary as far W. as the River of Kennebeck. A copy of this Address and of the proof of the matters therein set forth we presume to lay before your Majesty, humbly praying that your Majesty may cause effectual order to be taken for the speedy and vigorous assertion of the antient acknowledged

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extent of your Majesty's territory within that Eastern Country reaching to the River Ste. Croix next adjoining to New Scotland in America, as appears by the grant of King Charles II. to James, Duke of York, March 12, 1664; and of the undoubted right and privilege of your Majesty's subjects to fish in the seas on the whole Eastern Coast, conformable to your Majesty's right of Sovereignty over the seas. We are constrained to renew our humble supplications on this occasion forasmuch as applications are now made by divers of the former inhabitants and Proprietors, to resettle that country, and by the Indians, that trading houses may be erected there, as also the necessity there is of removing the French Missionaries and Priests residing in those parts with the Indians, who by their flatteries and lying insinuations are indefatigably industrious to seduce them from their obedience unto your Majesty, and thus prejudice the tranquillity of your good subjects.

And whereas the College at Cambridge in this Province hath by the blessing of Almighty God been a principal means of propagating the Christian Religion within your Majesty's territories and dominions in America, and the advancement of your Majesty's interests, we humbly crave leave further to address your Majesty on behalf of the said College, for your Majesty's grace and favour in the settlement thereof, that it may be done in such manner as may effectually secure the same to be a nursery for supplying these Churches with able, learned Ministers, agreeable to the chief end and intent of the first Founders; which we are encouraged to hope your Majesty will be graciously pleased to continue, inasmuch as your Majesty has most eminently signalized your Royal wisdom and most excellent temper in indulging all your good Protestant subjects in the several parts of your Majesty's dominions with liberty of conscience in the worship of God. Boston, June 14, 1700.

Signed and endorsed as preceding. Copy. 3 *pp.*

641. iv. Address of the L.G., Council and Assembly of Massachussetts Bay to the King. Boston, Nov. 19, 1698. *Same endorsement. Copy.* 3 *pp.*

641. v. Memorandum of letter from M. Villebon, French Governor of Nova Scotia, to Mr. Stoughton, L.G. of the Massachusetts Bay, relating to the French pretentions to the Fishery in those parts. Sept. 5, 1698. ¼ *p.*

641. vi. Memorandum of deposition of Jno. Sarasey and Wm. Segglas relating to the interruption given them by the French in their Fishery on the Coast of Cape Sables, 1698. ¼ *p.*

641. vii. Memorandum of Mr. Nelson's Memorial to the Council for Trade, 1697, relating to the bounds of New England and Fishery upon the coast of Accadie. ¼ *p.*

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641. viii. Memorandum of Mr. Nelson's letter, Paris, Dec., 1697, to the Council for Trade on the same subjects. ¼ *p.*

641. ix. Copy of certificate of the Lords Justices' engagement, that in case Lord Bellomont, Governor of Massachusetts Bay had not a salary settled upon him by the Assembly there, their Excellencies would move His Majesty that a salary on account of the said Government might be appointed him out of the Exchequer. *Signed*, Ja. Vernon. Sept. 27, 1697. *Endorsed*, Recd. Sept. 23, Read Sept. 25, 1700. ½ *p.*

641. x. Extract of John Usher's accounts relating to Sir E. Andros' salary. *Endorsed*, Recd. Sept. 23, 1700. 2 *pp.*

641. xi. Memorandum of Acts of Massachusetts Bay, May 29, 1700. ¼ *p.* [*Board of Trade.* New England, 10. *Nos.* 53, 53.i.–xi.; *and* 38. *pp.* 202–229.]

July 16. Boston. **642.** Governor the Earl of Bellomont to Mr. Secr. Popple. I imbark to-morrow for N. York. *Refers to letter to the* Council of Trade and Plantations, July 15. I make it my earnest request you will favour and promote the Charter of Incorporation for Harvard College with your Board, and that you will advise and assist Sir Hen. Ashhurst in carrying it on. I had news yesterday by the Captain of the galley, whom I sent with goods and provisions to the Indians on Kenebeck River. that there is some mischief hatching between the Jesuits and those Indians; that there was a general meeting of those Indians at one of their castles called Naridgewack on that river, and that upon the last day of June, where all the Indians took the sacrament at the hands of those Jesuits. Moxes, the chief Sagamore, told the Captain he had lately received an angry letter from the Governor of Canada, chiding him severely for holding any sort of correspondence with me and threatening him what the King, his master, would do to punish them. He likewise told the Captain that the Jesuits had insinuated to 'em that the King, their Master, was resolved to maintain all the country eastward of Kenebeck River against the English, and that the Indians were great fools if they suffered the English to enjoy any lands to the Westward of it. He told the Captain the Penicook Indians would fall on the Monheags very soon. Capt. Southack delivered me a memorial containing these and several other matters, but I have not time to get it transcribed. You may please to tell the Lords of the Council of Trade of this, if you think it worth the telling. *Signed*, Bellomont. I find I forgot in a late letter of mine to your Board, wherein I desired some tools if we were to fortify our frontiers, to bespeak 10 or 12 dousin of pickaxes, which I desire may be sent, if the rest of the tools be sent. *Endorsed*, Reed. Sept. 23, Read 25th ditto, 1700. 3 *pp.*, *with abstract. Holograph.* [*Board of Trade.* New England, 10. *No.* 54; *and* 38. *pp.* 229–231.]

July 16. Boston. **643.** Minutes of Council of Massachusetts Bay. Rev. Samuel Willard, Chaplain to the Governor for three Sessions of the Assembly, paid 12*l.* 30*l.* paid to William Stoughton to be disposed of for secret intelligence service. 500*l.* paid to his

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Excellency to be improved in managing the Address of the Assembly to the King. Warrants for other allowances granted by the Assembly ordered :—50*l.* to Chief Justice William Stoughton, 50*l.* to the Rev. Increase Mather, President of Harvard College, 200*l.* to James Taylor, Treasurer and Receiver General, 60*l.* to Capt. Anthony Checkley, Attorney General, 12*l.* to John White, Clerk of the House of Representatives, 30*l.* to Lawrence Dennis on account of his disbursements for the public, 20*l.* to the widow of Samuel Storer, late of Charlestown, in consideration of his great services in the war against the French and Indians, 80*l.* to John Arnold, prison-keeper in Boston, 50*l.* to the Committee for examining claims under Sir E. Andros' Government, 12*l.* to the Minister of the French Congregation in Boston, 6*l.* to Margery Williams, relict of Robert Williams for his services in 1690, 10*l.* and a pension of 4*l.* to John Baker of Swanzey, a soldier wounded in His Majesty's service, 7*l.* to Theophilus Farrington, of Lymm, and 12*l.* to John Harvey of Aimsbury, wounded soldiers, 10*l.* to the town of Wells for the support of their Minister, and 6*l.* towards building their Meeting house. The town of Wrentham, being brought low by the late war and other distressing Providences of God, remitted 20*l.*, their proportion of a tax granted to His Majesty in 1696.

His Excellency acquainted the Council of his purpose to embark to-morrow.

His Excellency embarked upon H.M.S. *Arundel* for his Government of New York. [*Board of Trade.* New England, 49. *pp.* 305-307.]

[? July 16.] **644.** Capt. Benjamin Bennett to the Council of Trade and Plantations. Recommending the following to be of His Majesty's Council when (*he*) arrives at Bermuda, Capt. Geo. Tucker, Major Michael Burrows, Tho. Harford, Robt. White, John Kendall, Rector of St. George's, Patrick Downing, Capt. John Dickinson, of Southton Tribe, Tho. Dunscomb, sen., of Pembroke Tribe, Jos. Hinson, Benj. Philips, Benj. Brereton, Capt. John Triningham. *Signed*, B. Bennett. *Endorsed*, Recd. 16th, Read 17th July, 1700. ¾ *p.* [*Board of Trade.* Bermuda, 4. *No.* 36; *and* 30. *pp.* 34, 35.]

July 16. **645.** Minutes of Council of New York. Several papers relating to the Indian Affairs brought down by Robert Livingston Esq. from Albany, dated June, July, 1700, read. Mr. Livingston's account was referred to a Committee. Barne Cosens' account for stationery paid. [*Board of Trade.* New York, 72. *p.* 330.]

July 16. **646.** Journal of Council of Trade and Plantations. Draught of a Commission for Capt. Bennet to be L.G. of the Bermuda Islands, read, approved and ordered to be transcribed fair.

Report required by Mr. Secretary Vernon, July 4th, considered.

July 17. A new Commission for this Board, dated July 11th, to the same effect as the former, excepting only that the name of Mr. Locke is omitted, and the name of Mr. Prior inserted, was

1700.

read. Secretary ordered to write to Mr. Lowndes to move the Treasury for payment of the Stationer's and Post Officer's bills sent to them March 31st, 1699.

Memorial from Capt. Bennet, with the names of some persons whom he hath been informed are fitly qualified to be of His Majesty's Council in Bermudas, read. Draught of his Instructions considered. Ordered that the Secretary send to Mr. Lowndes a copy of what (*was*) writ him, June 20th, relating to the expediting of Commissions for the trial of pirates in the Plantations, and desire him to move the Lords Commissioners of the Treasury for such directions as they think fit.

Three letters from Governor Grey, April 20th, 27th and May 10th, were read. Upon the first, ordered that copies be sent to Mr. Attorney General of the paragraph in the letter of this Board, to Mr. Grey, Jan. 23rd, relating to his having put Mr. Wheeler into the Council of Barbados; of the paragraph in Mr. Grey's letter upon that subject, of the articles in his Commission and Instructions to which he refers; and of the opinion of the Attorney and Solicitor General of Barbadoes upon those Articles, and that Mr. Attorney General's opinion be desired as *No.* 647. This letter to Mr. Attorney General ordered to be sent to the Agents of Barbados, that they may procure his speedy answer.

July 18. Progress made with report upon Lord Bellomont's proposals. In reference to the burning quality usually complained of in the tar brought from the Plantations, ordered that Sir Bath. Gracedieu be desired to attend the Board.

Progress made in considering the draught of Capt. Bennet's Instructions. It being observed to the Board that Mr. Randolph had some while since complained, that upon the death of the late Collector, Saml. Trott, Mr. Day had put another into that place and refused to admit one nominated by him in pursuance, as supposed, of his Instructions from the Commissioners of the Customs here, the said Day justifying his so doing by a Clause in His Majesty's Commission to him for that Government, ordered that a copy of that clause in His Majesty's Commission, together with extracts of what Mr. Randolph has writ about it in his letter of the 16th, and Mr. Day in his letter of May 18th, 1699, be sent to Mr. Sansom to be laid before the Commissioners of the Customs; and that he be desired to inform this Board how that matter has been settled, and whether the Commissioners of the Customs do understand that clause to interfere with the directions given or to be given by them in relation to His Majesty's Customs under their management, and, if so, what alterations they think proper to be made in that clause, or in the like clause, to the Governors of other Plantations, in order to avoid any such interfering for the future. [*Board of Trade.* Journal, 13. *pp.* 113–118; *and* 97. *Nos.* 124–126.]

July 17. **647.** William Popple to Sir Thomas Trever. The Council of Trade and Plantations send you extracts of their letter to Mr. Grey, Jan. 23, Mr. Grey's reply, April 20, etc., and desire your opinion whether the articles in his Instructions give him any

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power and authority to appoint any persons to be Members of His Majesty's Council in Barbados, otherwise than when there are fewer than seven residing in the Island, according to the limitation expressed in his Commission. [*Board of Trade.* Barbados, 45. *p.* 90.]

July 17. Whitehall. 648. William Popple to William Lowndes. The Council of Trade and Plantations being very sensible of the necessity of dispatching the Commissions, which are to be sent to His Majesty's Plantations for the trial of pirates, and not having yet understood that any further progress has been made therein since my letter of June 20th, send you the enclosed copy of that letter and desire you to move the Lords Commissioners of His Majesty's Treasury for such directions therein as they shall think fit. [*Board of Trade.* Plantations General, 35. *p.* 306.]

July 17. Whitehall. 649. Wm. Popple to Mr. Lownds, repeating application for payment of Stationer's and Post Officer's bills. (*See* Jan. 3). [*Board of Trade.* Miscellanies, 11. *pp.* 83, 84.]

July 17. London Custom House. 650. Mr. Sansom to Mr. Popple. I received yours of the 10th and doe herewith send you the draught of such Instructions as the Commissioners conceive may be proper for Capt. Bennet, appointed to be L.G. of Bermuda, in pursuance of the Laws relating to Trade and Navigation, being much the same as were heretofore prepared by them and sent to the Governors of the respective Plantations. There hath been one Act since past to prevent the exportation of wool out of Ireland and England, etc., wherein amongst other things 'tis declared that no wool or woollen manufactures of the product of His Majesty's Plantations shall be exported out of any of the said Plantations, to which Act the last article in the said Instructions hath reference. *Signed*, Jno. Sansom. *Endorsed*, Recd. 17th, Read 24th July, 1700. ¾ *p. Enclosed,*

650. i. Copy of Instructions for Capt. Benjamin Bennet, *as referred to in preceding.* 9½ *large pp.*

650. ii.–iv. Forms of entry, clearing and registering ships to and from the Plantations. 3 *pp.* [*Board of Trade.* Bermuda, 4. *Nos.* 37, 37. i.–iv.; *and* (*without enclosures*) 30. *pp.* 38, 39.]

July 18. Whitehall. 651. Order of Lords Justices in Council Directions are to be sent to the respective Governors of His Majesty's Plantations in America, as well such as are granted in Propriety, as such as are Governed by Commission from His Majesty, to transmit an account to the Lords Commissioners for Trade and Plantations, in the most particular manner, of the methode of proceedings in the several courts upon trials of all sorts of causes in the said Courts in those parts, and that the same be communicated by their Lordships to this Board for His Majesty's better information, in the determining Appeals from the Plantations. The Council for Trade and Plantations are to signify their Excellencies' pleasure herein to the said respective Governors accordingly. *Signed*

1700.

John Povey. *Endorsed*, Recd. Read, 24th July, 1700. ¾ *p.* [*Board of Trade.* Plantations General, 5. *No.* 75; *and* 35. *pp.* 309, 310.]

July 19. Whitehall. 652. William Popple to John Sansom. The Council of Trade and Plantations having understood by letters from Mr. Day, L.G. of the Bermuda Islands, and from Mr. Randolph (May 1699) that upon the death of the late Collector of Customs in those Islands Mr. Day had put another into that place and refused to admit one nominated by Mr. Randolph in pursuance, as supposed, of his Instructions from the Commissioners of Customs here, Mr. Day pretending to justify his so doing by a clause in His Majesty's Commission, they send you the enclosed copy of that clause and extracts of those letters, desiring to know whether the Commissioners of Customs understand the clause, which has been constantly the same in the Commissions given to the Governors of all His Majesty's other Plantations, to interfere with the directions given, or to be given, by them in relation to His Majesty's Customs under their management, and if so, what alterations they think proper to be made therein, in order to avoid any such interfering for the future. [*Board of Trade.* Bermuda, 30. *pp.* 35, 36; *and* Plantations General, 35. *pp.* 307, 308.]

July 20. Nevis. 653. Col. Foxe to the Council of Trade and Plantations. I had the honour of your Lordship's letter, Feb. 16, $\frac{1699}{1700}$, (though directed to the President and Council of Nevis, I will take care to put your orders into execution). I have sent copies of the King's Orders and your letter to the several Lieut.-Governors and Council of these Islands with directions to have them recorded into their books, and to make a strict enquiry of the 9 men that ran away from Henry Munday's ship. I enclose a copy of the deposition of Richard Budge, formerly Master of the *Diligence*, bound from Bristol to these parts, who had his ship taken from him and was plundered by a pirate, who, a while after, gave him another ship, in which he came into the road of this Island with much difficulty. I have secured her in behalf of the owners, she being the *Baltimore* of Bristol, which had been taken before. I have given notice of it to one of the owners, who lives at Barbadoes. I shall be very glad to have your directions in such matters. *Signed*, Edw. Foxe. *Endorsed*, Recd. 13th, Read 16th Sept., 1700. 1¼ *pp. Enclosed*,

653. i. Deposition of Richard Budge. Detailed account of his capture by pirates, as above. *Signed*, Richard Budge, June 17, 1700. *Copy.* 1¾ *pp.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 75, 75. i.; *and* 46. *pp.* 82–87.]

July 22. Boston. 654. Minutes of Council of Massachusetts Bay. The L.G. acquainted the Board that he had received a letter from Capt. Samuel Mason of Stonington by order of the Governor and Council of Connecticot, importing that they, having advice several ways that the Indians of Pennicook designed to fall upon the Mohegins,

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had thereupon thought it necessary to signify to the Pennicooks that if the Mohegins or any other of the friend Indians have any ways wronged them, the Government, upon application to them made, would see them righted, but if without such means used, they should make an inroad upon their friend Indians, they must and should defend them, and requesting that their Resolution might be made known to the Pennicooks. Advised, that the L.G. send his order to George Tohanto and Wattanuman, the two principal Indians of Pennicook, requiring them forthwith to come to Boston and attend his Honour and Council and to bring with them Nenequabin and some of the principal Indians, late of Woodstock; and that the said order be enclosed in a letter to Major Tyng, by him to be forwarded unto the Pennecooks.

Major Jonathan Tyng's account for disbursements in fetching the Pennecook Indians to Boston in Feb. last to attend Lord Bellomont paid.

Capt. Josiah Chapin and Lt. Samuel Read of Mendon for soldiers' transport to Woodstock paid. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 1, 2.]

July 23. 655. Copy of the establishment of the Four Companies of Foot at New York, from April 25, 1700. *Total*, 19*l.* 8*s.* 8*d.* *per diem.* *Endorsed*, Recd. from Mr. Champante, 23rd July, 1700. ½ *p.* [*Board of Trade.* New York, 10. *No.* 19; *and* 54. *p* 280.]

July 23. 656. Journal of Council of Trade and Plantations. Mr. Russell, partner to Sir Barth. Gracedieu, attending, acquainted their Lordships that, he having been many years versed in the pitch and tar trade, had found that there comes of late as good tar from New England as from Russia or Stockholm; but that the tar made in Virginia is hot, like that of Courland, though he believes, if they had the right method of making it there, it might be as good as the other; that the art of making rosin has of late years been much improved in New England, so that what is now brought from thence is as good as what (*is*) made in France, though he observed also that the New England turpentine, out of which rosin is made, has not the body of French turpentine; that the price of Stockholm tar is now about 12*l.* per last, and Stockholm pitch about 15*l.* 10*s.* Last year there were about 2,000 last of pitch and tar imported from the several ports in the East Country, but little from Russia. This year 'tis expected there will 1,000 last be imported from Russia.

Captain Long acquainted the Board that he had seen an insinuating letter from a certain Spanish Friar, the original whereof he said is in Mr. Secretary Vernon's hands, to the Mosquito Indians at Cape Gracia Dios, who have been many years very friendly to the English, and is thereby inclined to believe the Spaniards are designing to settle amongst them, and will then block up the entrance of that river, which he thinks the Governor of Jamaica should be directed to take some care to prevent. Their Lordships again took into consideration the Instructions to be prepared for Capt. Bennet.

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July 24. Capt. Bennet's Instructions ordered to be inscribed fair.

Letter from Mr. Sansom, July 17, with a draught of Instructions enclosed, which the Commissioners of the Customs offer as proper for Capt. Bennet, read. Being found to be much the same as those formerly approved by His Majesty, ordered that they be transcribed fair, in order to be laid before the Lords Justices, together with Captain Bennet's Commission and other Instructions.

Order of Council, April 4, confirming Robert Watters as a member of Council of New York, read.

Order of Council, June 13th, with Mr. Attorney General's report, June 19th, upon the security required from Capt. Haskit, read.

Order of Council, June 27th, declaring His Majesty's approval of Capt. Hasket's appointment as Governor of the Bahama Islands, read.

Order of Council, June 20th, upon a representation of the Board about seizing the *Beckford Galley*, read.

Order of Council, July 18th, directing this Board to require the respective Governors of His Majesty's Plantations to transmit an account in the most particular manner of the method of proceedings upon trials of all sorts of causes in the several Courts in those parts, read. Letters ordered to be prepared accordingly. Letter from Mr. Yard, July 10th, desiring the Board to lay before the Lords Justices an account of what the Earl of Bellomont has writ about preserving the King's timber in the Plantations, with such further observations as their Lordships think fit for effecting the same, read. Ordered that a report upon that subject be joined to the report already under consideration relating to the security of the Plantations and the producing Naval Stores there.

Two letters from Sir Wm. Beeston, April 20th and May 3rd, read. Copies of the papers relating to the Jews in Jamaica, enclosed in the latter, ordered to be sent to Mr. Secretary Vernon with a letter. [*Board of Trade.* Journal, 13. *pp.* 118–123; *and* 97. *Nos.* 127, 128.]

July 25. Whitehall. 657. Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing copies of the Memorial of the Jews of Jamaica and the Governor and Council's reply to it. *Signed*, Abr. Hill, Geo. Stepney, Mt. Prior. [*Board of Trade.* Jamaica, 57. *pp.* 90, 91.]

July 25. Whitehall. 658. Order of Lords Justices in Council, referring to the Council of Trade and Plantations the enclosed petition for their report, what they conceive may be fitly done thereupon. *Signed*, John Povey. *Endorsed*, Recd. Read July 30th, 1700. ½ *p.*

Enclosed,

658. i. Petition of John Cole, in behalf of himself and divers inhabitants of St. Christopher's to their Excellencies, the Lords Justices of England, against James Norton, Lieutenant Governor. On Oct. 31, 1699, Governor Norton issued his warrant to David Lloyd, Deputy Provost Marshal to take John Cole into custody and imprison him in His Majesty's Fort, ordering him not to take bail. Lloyd admitted him to bail, the crime charged upon him being by law bailable. The

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Lieutenant Governor thereupon committed Lloyd to prison without bail, refusing him his Habeas Corpus. He also committed to prison Jeddediah Hutchinson, Speaker of the Assembly, and denied him bail, though the crime alleged was bailable. He has openly declared that he would govern the people by his sword and cane, which he frequently puts into practice. He reproached and called the gentlemen of the Assembly rascals, villains, rebels and traitors [*for no other*] reason, as they can judge, but for that they [*would not*] countenance his arbitrary proceedings, and, [*? because*] they demanded of him in Council who were the persons he so reproached, he dissolved the Assembly the same day, July 31st, 1699, to the great obstruction of the public business. He forced David Lloyd to enter the house of one Devill and take from him 30 pieces of eight, to satisfy the unreasonable demand of a French surgeon, although no judgment had been given against him in any Court of Law. In his own person he arrested a subject of His Majesty residing in the French part of the island, under pretence of piracy, and took from him all his money and gold, even to the buckles of his shirt, and afterwards left him at liberty, so that he made his escape, without any prosecution. He gave letters of administration to Thomas Bisse on the goods of Tho. Bisse, deceased, as dying intestate, though it was made known to him that a will duly executed by the testator was in being. He hath levied money upon the subjects of England without any law to warrant the same, and particularly for licences to marry and for the clearance of vessels to sail, when they have only touched at the island to water. Contrary to the Acts of Navigation, he did permit the Master of a Dutch or Danish ship to land on the English part of the island divers negroes and other merchandizes, which were afterwards condemned in His Majesty's Court of Admiralty for the said island. He hath also imported divers merchandizes from the French into the English part of the island in breach of the said laws. It not being possible for your petitioners to make full proof of these matters in England without a Commission directed to fit persons in the island empowering them to make particular enquiry into the premisses, they humbly pray that a Commission may be granted to certain inhabitants to enquire upon oath into the truth of the said complaints and such others of the same nature as shall by your petitioners be exhibited against the Lieutenant Governor, and to report the same unto His Majesty. *Copy.* 3 *pp.* [*Board of Trade.* Leeward Islands, 6. *Nos.* 76, 76.i. ; *and* 46. *pp.* 57–62.]

July 25. Whitehall. **659.** Council of Trade and Plantations to the Lords Justices. Col. Codrington being now upon his departure for the Leeward

1700.

Islands, we humbly represent that William Burt, Esq., President of the Council of Nevis, not having been named in the list of Councillors appointed for that island by Col. Codrington's Instructions, because of an irregularity which we were informed of in the manner of his admission into that Council, and that, when Col. Codrington shall arrive there, Burt will for that reason be no longer a Councillor, yet considering that by Order of their Excellencies the late Lords Justices, Sept. 29, 1698, upon the late Col. Codrington's death, Burt has been confirmed in the place of President of the Council of Nevis and continues to act accordingly and there being now a vacancy by the death of Samuel Gardner, Esq., we are humbly of opinion that it may be for His Majesty's service that the said Burt be now constituted a Member of Council in the same rank in which he now is, notwithstanding that his name was not inserted in Col. Codrington's Instructions. *Signed*, Phil. Meadows, Abr. Hill, Geo. Stepney, M. Prior. [*Board of Trade.* Leeward Islands, 46. *pp.* 55, 56.]

July 25. 660. John Smith to the Council of Trade and Plantations. Mr. Good and his friends set forth on their discovery of silver mines in Carolina. But owing to the death of Mr. Good at Savana Town, and the opposition of the Governors, Proprietors and those in their interest, as Capt. Moor, this undertaking cannot succeed unless we have sufficient warrant and authority to secure us from the violence of the Government. Of this violence Edward Loughton, a man who has more than 100*l.* per annum in Charles Town, and Richard Tranter, one of the greatest travellers amongst the Indians, will give evidence. His Majesty granted 600*l.* to three persons, of which 400*l.* only has been received. I pray your Lordships to give the remaining 200*l.* to Loughton and Tranter to buy Indian trading goods, with which I believe the Indians would be well contented, and of what consequence the possession of such treasure as is set in their memorial would be to any other power, there being two French men amongst them, is humbly submitted to your Lordships' great wisdom. *Endorsed*, Recd. 25th. Read 26th July, 1700. 2 *pp. Enclosed*,

660. i. Edward Loughton and Richard Tranter to the Council of Trade and Plantations, praying for a warrant to secure them together with Jean Couture, John Smith, David Maybank, and Mr. Solomon Legare and Henry Netherton to prosecute the search and development of mines in Carolina, especially those beyond the Appalletea Mountains already prospected by Jean Couture, and also for a grant for their expenses and necessary presents to the Indians through whose territory the expedition will pass. *Signed*, Edward Loughton, Richard Tranter. 2 *pp.*

660. ii. Jean Couture to the King or the Council of Trade and Plantations. Charles Town, March 22, $\frac{1699}{1700}$. Discoursing with Will Good and David Maybanck at Sowana Town in May last, I understood where they were bound in your Majesty's service, in which Mr. Good was unfortunately drowned. I had assisted

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them else, had he lived, where your Majesty should have had good satisfaction, for I have taken up 4 pound weight of gold with my own hands. When I returned to Charles Town the Governor put me in prison, but for what I know not, neither did he, but upon suspicion that I had discovered some great riches in my travels. But finding I would not discover any the least trifle of my business, they released me, after making me pay 100*l.* charges. If your Majesty grant an order that we be not molested, I have obliged myself to go with Messrs. Loughton, Maybanck, Legare and another to the place where I took up the aforesaid gold. *Signed.* Jean Couture. 1 *p.* [*Board of Trade.* Proprieties, 5. *Nos.* 68, 68.i., ii.]

July 25. **661.** Governor Gray to the Marquis d'Amblimont. I have recently received orders from the King of Great Britain, my master, to take care and to assure his rights and claims in the Island of Ste. Alouzie in my Government, and to compel all those established there without his permission to leave the island. Being informed that some subjects of His Most Christian Majesty have recently built some houses with intent to settle there contrary to the rights of the King, my master, and as I desire nothing more than to keep a good understanding and friendship between the subjects of the two crowns, and particularly between your Excellency and myself, I think myself obliged to inform you of this affair, not doubting but that you will take the necessary steps to withdraw the subjects of the King, your master, who are on the said island, and shall be in the future, in order that I may not be put to the necessity of compelling them by disagreeable means contrary to my inclination. *Copy. French.* 1 *p. Enclosed,*

661. i. Copy of letter from the King to the Governor of Barbados about Sta. Lucia. Same as *Cal. America and West Indies*, 1699, *No.* 939.i. 1½ *pp.* [*America and West Indies.* Barbados, 456. *Nos.* 70, 70.i.]

July 25. **662.** Minutes of Council of Massachusetts Bay. Accounts of Capt. Edward Sergeant, Joseph Ingolls, Ann Pollard, Aquila Hains and Jonathan Metcalfe, for billeting soldiers, etc., paid. Account of Elizabeth Monk, Tavernkeeper in Boston, for two public dinners on the several days of election of Councillors, May, 1699, and May, 1700, and for billets, paid.

Wages of officers and soldiers of the garrison on Castle Island, Nov. 26, 1699—May 26, 1700, paid.

Account of Capt. Thomas Rayment and Lieutenant William Rayment and the officers and soldiers that served under them within the county of York last spring, amounting to 162*l.* 4*s.* 7*d.*, paid. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 2, 3.]

July 25. **663.** Journal of Council of Trade and Plantations. Letter to Mr. Secretary Vernon signed and sent.

Memorial from Mr. Montagu, the Solicitor, in behalf of some inhabitants of New York, desiring to be heard in opposition

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to several Acts of the General Assembly, read. Ordered that he have notice to lay before the Board in writing whatever he has to offer upon that subject.

Representation, that Mr. William Burt may be continued in the Council of Nevis, signed.

Letter from Mr. Burchet, July 4th, read.

Letter from Mr. John Moore, Philadelphia, March 6th, desiring their Lordships' favour that some salary may be appointed him for his service in the place of Advocate in the Admiralty Courts of Pennsylvania and West Jersey, read. Ordered that Col. Nicholson, by whom Moore has been recommended, be referred to what already writ him, Jan. 4th.

Three letters from Mr. Randolph, March 11th, 25th, and Carolina, May 16th, read.

July 26. Letters and papers from Mr. Penn, Feb. 27th, April 28th, read.

Ordered that the Acts enclosed be sent to Mr. Solicitor General, and that a copy of what concerns Mr. Penn's desire that Quakers may register their ships without an oath, and his query about the extent of the Admiralty Court's jurisdiction, be sent to his Agent, Mr. Lawton, that he may take advice thereupon, as he thinks convenient.

Letter from Col. Blakiston, March 12th, read, and papers therewith transmitted laid before the Board. Copy of paragraph relating to the boundaries between Maryland and Pennsylvania ordered to be given to Mr. Penn's Agent, that he may speak to Lord Baltimore about it.

Letter from the Governor and Company of Rhoad Island, May 13th, read.

Letter from Lord Jersey, June 17th, with a petition from Mr. Crown to His Majesty, relating to his title to Penobscot, read. Mr. Crown summoned to attend the Board.

Memorial from Mr. Smith and others, concerned in the project of seeking for silver mines in Carolina, read. Mr. Smith summoned to attend the Board. [*Board of Trade.* Journal, 13. *pp.* 123–128 ; *and* 97. *Nos.* 129, 130.]

July 25. 664. Minutes of Council of New York. His Excellency the Earl of Bellomont produced a letter from the Lords of the Council of Trade, Feb. 16, prohibiting Governors from granting letters of denization unless expressly authorised so to do in their Commissions.

Proclamation for the apprehension of Henry King and other pirates mentioned in the postscript to that letter.

14*l.* paid to Laurence Claese for a journey from Albany to Onnondage, the Maquaase Country and to York with the Cannada Indians, he being sent on the said expeditions by the gentlemen at Albany appointed to manage the Indian affairs.

July 26. 14*l.* 5*s.* 5*d.* paid to Isaac Taylor for 124 Indian hatchets bought by him at Boston by order of His Excellency for a present to the Five Nations and River Indians at Albany in this intended expedition.

Account for cleaning the lodgings in the Fort, and Henry Meason,

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the smith's account referred to a Committee. [*Board of Trade.* New York, 72. *pp.* 330–335.]

July 26. 665. William Popple to Sir John Hawles, enclosing for his opinion thereon two Acts (against pirates and for preventing frauds, etc.) passed at the General Assembly of Pennsylvania, Feb. 10, 1700. [*Board of Trade.* Proprieties, 26. *p.* 285.]

July 26. New York. 666. Governor the Earl of Bellomont to the Council of Trade and Plantations. I embarked at Boston the 17th, and arrived here the 24th, when I had appointed a meeting of the General Assembly to try how far they would enable me to put the affairs of the Province into a good posture, and more especially what relates to the preservation of the Five Nations in their obedience to the King. I know not yet how far I may succeed in my design, for as yet 5 or 6 of the Representatives are not come down Hudson's River, and I do not suffer the Assembly to enter on business without 'em, lest it should be thought unfair so to do. I found here your letters Feb. 7th and 16th, with the King's letter of Feb. 10th, and His Majesty's letters to the Governors of Conecticut and Rhode Island, which I have forwarded to them. I will take an exact care to obey the orders sent me about letters of denization, a mistake I was led into by the example of Col. Fletcher and the advice of the Attorney General, who for certifying in two lines the person's being a Protestant and of good manners exacted 6*li.* for his fee, when I had but 12*s.* for mine, which is the Governor's fee every time the Seal of the Province is affixed, and, if the party were poor, I took no fee at all. I fear I have been abused into the granting three or four letters of denization, but your Lordships shall hear no more of my transgressing in that nature. As to the Pyrats nam'd in your letter of Feb. 16th, I have issu'd a Proclamation for their apprehension.

I have found at my coming hither a further ill account of the 5 Nations of Indians sent by the Commissioners from Albany to the Lieutenant Governor and Council here. *Enumerates enclosures,* "material papers." I am next week to go to Albany to meet the Indians and try to encourage them, but I shall go with a heavy heart, being not empower'd to gratifie 'em in the two points they above all others covet and insist on, viz.: the building them a fort and furnishing them with ministers to instruct 'em in Christianity. Some of the inhabitants of Albany, who are now here, tell me the soldiers there in garrison are in that shameful and miserable condition for want of cloaths that the like was never seen, insomuch as those parts of 'em which modesty forbids me to name are exposed to view: the women forc'd to lay their hands on their eyes as often as they pass by 'em. This sad condition of the soldiers does us great hurt with the Indians, whose chiefest resort being to that town, and they being a very observing people, measure the greatness of our King and the conduct of affairs by the shameful ill plight of the soldiers. These persons assure me that some of the old, crafty Sachems of the Five Nations have asked 'em whether they thought 'em such fools as to believe our King could protect 'em from the French, when he was not

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able to keep his souldiers in a condition as those in Canada are kept, who, by the way, I must acquaint your Lordships are 1,400 men and duly paid every Saturday in the year. The ship that brought your letters arrived a week before my coming and brought the news of our being cut off 27 months' pay and subsistence of the Four Companies, and of their being reduced to fifty men in a Company. The victuallers are like distracted men, and I find the officers and souldiers begin to be dissatisfied, and I doubt there are people here that will rather nourish than endeavour to extinguish the flame. I am made to believe the souldiers will every man desert upon this unhappy news, and how far that may influence the Indians to revolt to the French all at once, I cannot say. But the gentlemen of Albany that are here are in great pain and apprehension it may have that ill effect. The King then will have an eternal obligation to that man that advised the reduction of the Four Companies, and that has compassed their being so ill paid, for I strongly suspect both those arrows have come out of one and the same quiver. If I had the honour to be of the King's Privy Council, I would take the liberty to tell His Majesty that His Council of Trade ought to be consulted in every step and measure that's taken with relation to the management of these Plantations, and I have that great opinion of the prudence and abilities of the Secretaries of State, that neither of 'em would counter-advise the King against your Lordships' advice. When things are brought to extremity, 'tis time to speak plain English. Your representations are standing testimonies of your Lordships' great wisdom and integrity, and I must take leave to think he was a bold man that told the King his Council of Trade were in the wrong therein. I appeal to your Lordships whether I have not all along acquainted you that the neglect put upon the Five Nations in the last Government had mightily alienated them from us and had given the French Jesuits opportunity to supplant us in their affection. The truth is they were hard at work to inveigle our Indians from us, while the Governor was exercising all his faculties in making a purse for himself by all manner of means. You may depend I will use my utmost endeavour to retrieve the Five Nations and do the King all the faithful service I can with them, notwithstanding the most discouraging circumstances I shall go to Albany in.

I believe Sir Wm. Ashhurst too honest a gentleman and too much my friend to have designed to me a mischief, which his quitting the Agency for these Four Companies before another was appointed by me has fallen out to do me. His letter to me declaring his resolution of quitting was long coming to my hands. Then the person I had in my thoughts for Agent I was not sure was living or willing to accept. In this perplexity I thought it best to send Sir John Hanley a letter of attorney with a blank in it, to fill up with the name of some well qualified person. Sir John, it seems, has made choice of Mr. Champante for Agent, who is an ingenious honest gentleman; but I never knew it, nor that Mr. Champante had received any of our subsistence, till I met with two letters from him now, since my coming hither. Some of the angry folkes in this town having received advice

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of Mr. Champante's being Agent, and receiving some weeks' subsistence, and they receiving their letters a week before my coming hither and receiving mine, have with all their usual malice and impudence put a story about (especially among the officers and souldiers), that I have all this while by my Agent in England received the pay and subsistence, but have converted it to my own use, and cared not what became of them, whether they starv'd or no. I thought it necessary to trouble your Lordships with this account for my own justification from the false assertions of these people, who perhaps may be idle enough to trouble you with this, as they have done with many other frivolous articles against me. I thank God I defie their malice to touch my reputation in the least degree. I shall be justified every way from this imputation they would fasten on me, but especially by Sir Wm. Ashhurst and Mr. Champante, who can prove upon oath, if it were necessary, my innocence. Sir William can prove I never drew on him for any of the money he received by way of subsistence but what was for the officers, or for their wives at their desire. Mr. Champante can prove I never drew bills on him at all, for, as I said before, I knew not he was Agent for the Company till my coming hither from Boston, nor that there was any subsistence lately paid for these companies. I am now going to distribute that pittance there is, among the officers and victuallers. *Signed*, Bellomont. *P.S.* Aquendero, the Chief Sachem of the Onondage Nation, who was Prolocutor for all the Five Nations at the conference I had two years ago at Albany, has been forced to fly from thence, and come and live on Col. Schuyler's land near Albany. His son is poisoned and languishes, and there is a sore broke out on one of his sides, out of which there comes handfulls of hair, so that they reckon he has been bewitch'd as well as poison'd. I meet with an odd story from the gentlemen of Albany, which I think worth the relating. Decanissore, one of the Sachems of the Onondages, married one of the praying Indians in Canada (by praying Indians is meant such as are instructed by the Jesuits). This woman was taught to poison as well as to pray. The Jesuits had furnished her with so subtill a poison and taught her a leger de main in using it, so that whoever she had a mind to poison, she would drink to em a cup of water and let drop the poison from under her nail, (which are always very long, for the Indians never pare 'em) into the cup. This woman was so true a disciple to the Jesuits, that she has poisoned a multitude of our Five Nations that were best affected to us. She lately coming from Canada in company of some of our Indians, who went to visit their relations, in that country who have taken sides with the French, and there being among others a Protestant Mohack (a proper, goodly young man) him this woman poisoned so that he died two days' journey short of Albany, and the Magistrates of that town sent for his body and gave it Christian burial. The woman comes to Albany, where some of the Mohacks happening to be, and among 'em a young man nearly related to the man that had been poisoned, who espying the woman cries out with great horror that there was that beastly woman that had poisoned

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so many of their friends, and 'twas not fit she should live to do more mischief, and so made up to her and with a club beat out her brains.

P.S. July 31st. Since I had, as I thought, finish'd my packet, three men are this afternoon sent express to me by Col. Schuyler from Albany giving me to understand that M. de Maricourt, Father Brouyas the Jesuit, and 8 French men more, (whereof some are officers) arriv'd at the Onondages' Castle the 24th inst. Some of the English party among the Onondages dispatch'd away some messengers to Albany with this news. M. de Maricourt is one of the principal men of Canada, and brother-in-law to the Chevalier d'Iberville ; he and the Jesuit speak the Indian tongue as well as they do French. The gentlemen of Albany assure me the French have to the full as many friends among the Onondages' Nation as we have, which I am heartily sorry to hear, they being the most warlike of all the Nations except the Mohacks, who are dwindled to nothing almost. I write your Lordships these accounts out of duty, but I must own I think it time and pains thrown away, for I much question whether it be in the art of man to retrieve the Five Nations. If your Lordships' representations had been complied with, I am confident I could have secured the friendship of those Nations, but for want of that compliance with your advice, and by the ill consequence of it, viz. : my being left destitute, all manner of ways, of support, I cannot nor dare not undertake to recover those Nations from the French. I have told your Lordships the substance of Col. Schuyler's letter to me. The master of the vessel that carries this will not allow me time to copy two letters, which have been sent me on this occasion from Schenectade and Albany. The want of two ministers for the present has done us a vast deal of prejudice with the Indians. I can find none in this country that will go among 'em and that are men tolerably well qualified for such a charge. *Endorsed,* Recd. Read Oct. 24th, 1700. *Holograph.* 6¼ *pp. Enclosed,*

666. i. Abstract of above. 2¾ *pp.*

666. ii. Proclamation for the apprehension of Henry King and other pirates, July 26th, 1700. Printed by W. Bradford, New York. 1 *p. Endorsed as preceding.*

666. iii. The Commissioners for Indian affairs at Albany to the Lieutenant Governor and Council of New York. Albany, July 5th, 1700. Upon the request of the Five Nations we sent a messenger to Onondage to hear what was doing among them, and also to persuade some of the far Nations to come hither, but we have not been able to prevail with them yet, alleging the wound to be still so green, that, if they should [*come*] here, some Indians in their drink might kill them in revenge for their relations lost in the war.

The Nations are full of faction, the French having got a great interest among them, insomuch that some are gone to Canada to treat with the Governor in spite of all the Sachims ; the French are very subtile and vigilant, and it behoves us to be diligent also.

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Some of their praying Indians have been here to trade, whom we have treated civilly. It seems that they had killed one of our Skachkoke Indians a hunting, and their Sachims are come to condole his death and make satisfaction. Those we have caressed and been very kind to, insomuch that we have with great difficulty persuaded them to come and wait upon his Lordship and your Honour at New York. We doubt not but you will be of our mind that we have gained a great point, and if these two Sachims and two Captains can be prevailed with to come over to our side, all the Maquase praying Indians follow immediately, for they are the spring that move all the rest. Mr. Livingston goes along with them, who will bring your Honours the propositions hapned there lately. We doubt not but your Honour will take that fitting care that the Indians may be plentifully entertained, that they may see the differenee between a fertile country and a poor, rocky, swampy Canada. *Signed*, P. Schuyler, Pieter van Brugh, Mayor. *Same endorsement. Copy.* 1½ *pp.*

666. iv. Memorial of Johannes Groenendyk and Abraham Provoost, lately come from Onondage.

The Indians direeted us to notifie to the Commissioners for Indian affairs that when the first Sinnekes were killed at Swege this spring, there was a Cayouge prisoner among the Dowaganhaes who said, "It is not our hatchet by which you are killed, but it is the Freneh's, which he gives us for that purpose." Likewise, when our Indians were a hunting this winter, some Sinnekes met with some Waganhaes of those Nations that are now in Onondage, who would not receive the hatchet of the French, but warned the Sinnekes to be upon their guard, for the Freneh had charged the Dowaganhaes to kill all the Indians in their hunting, therefore, said the Waganhaes, be warned and make a fort, and go all and lye in it, for what we tell you is firmly concluded on between the French and Waganhaes. When the whole Assembly of Sachims were met at Onnondage, they charged us to tell Corlaer that there were three Sinneke Sachims who would go to Canada to speak with the Governor, and that they did not know if the Cayouges went or not, but their opinion was they would not go, as they themselves did not go. It is true we have been there, but it was for our prisoners, which we did redeem there, which Corlaer promised to free by Johannes Schuyler, which he did not do, were therefore necessitate to go thither to get them set at liberty, but now we deelare never to go thither again to treat with them, since we have got our prisoners home. There are five Waganhaes come to Onnondage, who are sent by three several Nations, who are very strong and numerous, to make

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peace with the Five Nations, and are minded to settle near the Sinnekes Country upon Cadarachqui's Lake, where some will come and settle speedily, and the rest in the fall. They come to see how that our Indians trade with Corlaer's people, and how much they get for a bever, that they may inform their people. They will leave Canada and come and trade with Corlaer, because goods are so dear at Canada.

They said in the said General Meeting that they had always prayed Corlaer to sell goods cheap, which request they again repeat, that the Waganhaes may see that we get much for a bever, especially great bags of powder, then the Waganhaes will love and esteem Corlaer, for if goods be dear, that will lessen their inclinations and probably alter their resolution. The whole House said that they will send a post with four bevers to desire that goods might be cheap, because the Waganhaes were now among them to inquire about the price of goods. We found an Englishman in the furthest Castle of the Sinnekes called Sjaunt, whose name is Charles Smith, who was taken prisoner by them in Virginia five years ago and desires earnestly that he may have his freedom. *Signed*, This memorial given me in Dutch by Johannes Groenendyk and Abraham Provoost in Albany, June 16th, 1700. Robt. Livingston, Secy. for the Indian affairs. *Copy.* 2 *pp.*

Same endorsement.

666. v. Propositions made by the Sachims of the Canada praying Indians, belonging to their Castle called Cachanuage, to the Commissioners for Indian affairs, Albany, June 28th, 1700. Sagronwadie, Chief Sachim, Speaker. We are come here to trade with you as formerly, and therefore desire you to use us well. Do give 10 bever skins. We desire you to be kind to us and not too dear with your goods, for I made up this company, and encouraged them to come hither, therefore be cheap. Doe given 10 bever-skins. We see the loaves of bread are but small, and the Sachim's of the Five Nations that are here tell us that, if we go lie in your houses, you will not suffer us to carry any bevers from thence to other houses, but compel us to trade them at your own prices. Doe give 9 bever skins. In all, 29 bevers, w : 41*li.* English.

Answer to the Sachims of Cachuervage ;—We assure you of kind entertainment, and you shall have the privilege to go into your friends' houses, where you please, and if you find you are not well used by them you may remove to any other house to your own content and satisfaction. They had some wampum given them.

Propositions made by the Commissioners for Indian affairs to the Sachims of the Canada praying Indians, Albany, July 3, 1700. Brethren, we are glad to see you

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here, and we doubt not but you have received full satisfaction and content in that matter you came for, and found goods cheap and reasonable, and although you have deserted your native country and gone over to strangers, where everything is much dearer than here, yet you see we make no difference, but treat you as kindly and friendly as our own people. As you are sensible you have the same freedom of trade as ourselves, so whenever you or any of your people design the like, you shall always have the same protection, and since you allege that [*it*] is your love to the Christian religion which makes you desert your native country and run to Canada to be instructed of the French priests, we hope in a short time to have Protestant ministers to instruct your kindred and relations in the Christian religion, which together with your love to your country hope will prevail upon you to come and live among your kindred, your fires burning still in your Castles, the same houses you left being still ready to receive you with all the stores of plenty to make you live for ever happy. We give you a fat hog, some venison and a barrel of strong beer to be merry with your friends of the Five Nations that are here, and 21 pounds of powder and 14 bars of lead to hunt provision by the way.

Reply of Sagronwadie for the Canada praying Indians ;— We are now come to trade, and not to speak of religion, only thus much must I say, all the while I was here before I went to Canada, I never heard anything talked of religion or the least mention made of converting us to the Christian faith, and we shall be glad to hear if at last you are so piously inclined to take some pains to instruct your Indians in the Christian religion, I will not say but it may induce some to return to their native country. I wish it had been begun sooner that you had had ministers to instruct your Indians in the Christian faith, I doubt whether any of us ever had deserted our native country, but I must say I am solely beholden to the French of Canada for the light I have received to know there was a Saviour born for mankind, and now we are taught God is everywhere, and we can be instructed at Canada, Dowaganhae or the uttermost parts of the earth, as well as here. *Signed*, Robt. Livingston, Secretary for the Indian affairs. *Copy.* 3 *pp. Same endorsement.*

666. vi. *Propositions* made by the Sachims of the Five Nations to the Commissioners for the Indian affairs, Albany, June 30th, 1700. Present ;—Peter Schuyler, Peter van Brugh, Mayor, Jan Janse Bleeker, Recorder ; Johannes Schuyler, David Schuyler, Johannes Rooseboom, Evert Wendel, Wessel ten Brook, Aldermen ; Tho. Williams, Sherif ; Dekanissore, Speaker ; Onado, another

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Onondager, Sedgehowanne, a Cayouger, Suchquanionde and Scanagarechties (*or Soonagarecthie*), Sinnekees.

Brother Corlaer and Guider, we are come here with a lamentable complaint that the Dowaganhaes or far Nations have now again killed many of our people at their hunting, all which is done by the instigation of the French, as the said far Indians confess ; nay some have warned us to be upon our guard, for the French charged them to do it. The French themselves declare they will not take the hatchet out of the Dowaganhaes hands till we come and submit to the Governor of Canada and make peace with him, which our Great Brother Corlaer forbids us to do. The matter occasions a great distraction among us, the Five Nations, for we were told three years ago there was a general peace and we should live now in quiet ; our hands were tied up from warring, but we have had little benefit of it hitherto. The French had as good be in open war with us as to set their Indians to war upon us continually. Therefore we desire that Corlaer may take some course with the Governor of Canada to prevent this ; else our people will at last be so wearied out that they will be compelled to comply with the Governor of Canada's demands, nay, the French have so strong a faction in our Castles already, that although you have shut the path to Canada, yet two Sachims are gone thither with a belt of wampum, contrary to the consent of the Five Nations, to see what the reason is why the French stir up their Indians to kill our people, who are the King of England's subjects. We do therefore desire that Corlaer may prevaile with the Governor of Canada, that he may put a stop to his Indians doing us such mischief. We Sinnekes have lost 40 of our people this spring, and one of our Sachims, called Awanano, who had his whole family killed last summer hard by the Sinnekes' Castle, is gone now to Canada, together with Aradgi of Onondage, a great favourite of the French, and some few with them, and although all means were used (as Lawrence your messenger see), to stop them by belts of wampum, it was in vain. The belt they carry is not out of the Public Treasury, but their own. We Five Nations are now come to bring Corlaer this Belt of Wampum, praying him to take such course with the French that those Indians, whom they call their children and whom they support, assist and stir up to kill our people, may be stopt from committing any more acts of hostility upon us, which we think is a breach of the Articles of Peace.

Some of the Dowaganhaes, having had a conference with our Indians at their hunting this last winter, concluded to desert their habitations and to settle

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upon the Lake of Cadarachqui, near the Sinnekes country, at a place called Kanatiochtiage, and accordingly they come and settled there, and have sent five of their people to Onnondage to treat, being sent from three Nations, who are very strong, having sixteen Castles. They say, "We are come to acquaint you that we are settled on the north side of Cadarachqui Lake near Tchojachjage, where we plant a tree of peace and open a path for all people quite to Corlaer's house, where we desire to have free liberty of trade. We make a firm league with the Five Nations and Corlaer and desire to be united in the Covenant Chain; our hunting places to be one, and to boil in one kettle, eat out of one dish and with one spoon, and so be one, and because the path to Corlaer's house may be open and clear, doe give a drest elke skin to cover the path to walk upon." The Five Nations answered, "We are glad to see you in our country, and do accept of you to be our friends and allies, and do give you a Belt of Wampum as a token thereof, that there may be a perpetual peace and friendship between us and our young Indians to hunt together in all love and amity. Let this peace be firm and lasting, then shall we grow old and grey-headed together, else the war will devour us both. Brethren, we open a path for you to go quite to Corlaer's house, where you shall have equal liberty of egress and regress to trade as we ourselves. In your passage thither you shall be well received by us in our Castles. We throw away the hatchet of war and bury it in the ground, and make a perpetual peace, and let those die that first break it." By the Belt of Wampum, which you sent by Laurence your messenger, we draw the Dowaganhaes to come hither to Corlaer's house and trade, and fasten them in the Covenant Chain. But now the Dowaganhae messengers could not be persuaded to come hither according to your desire, because they were afraid of evil-minded Indians, who in their drink might kill them. *Signed,* Robt. Livingston, Secry. for the Indian affairs. *Copy.* 4¼ *pp. Same endorsement.*

666. vii. *Propositions* made by some of the Five Nations lately come from Canada to the Commissioners of the Indian affairs, Albany, July 3rd, 1700. Names of the Indians; — Takosondaghque, Sagossenduchqua, and Anistaringuist of Onondage, Tarojaketho of Oneyde. Aqueendero, Speaker, said, We are come to acquaint you according to our duty what the Canada Indians of Kachanuge said, when we were there lately, viz. that we are not to take notice of any stories that evil-inclined persons may tell, but cleave fast to the Articles of Peace, concluded between the two great Kings in Europe, and do give a belt as a token hereof to be kept at Onnondage, which

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they show, and the belts not only given by the praying Indians of Kachanuage but by the Rondax Indians, natives of Canada, who hold firm to the General Treaty of Peace. The Governor of Canada being at Mont Reall sent for us and told us, "Children, I will speak to you no more by belts; I have only this to say, You complain that the Dowaganhaes or far Nations of Indians kill your people; you are the cause of your own destruction; if you will but send one Indian from each Castle (neither will I tie you to send a Sachim, but a private Indian from each nation), to treat with me and make peace, I will take the hatchet out of the hands of my Indians and children, the Dowaganhaes, and those other far Indians, and cause you to hunt secure. Every creek and fall of water shall florish with peace and tranquillity. But if you will not come and treat with me, you must expect no peace, but a continual war with the Dowaganhaes. I know the Governor of New York threatens you hard and looks terribly on you, if you should offer to come and treat with me, but you need not fear him; he dare do you no harm." This the Governor of Canada charged us to tell all the Five Nations, but not to the Christians; but we being in one Covenant Chain think ourselves obliged to acquaint you with it. Brethren, our Indians having by chance hunted some moose, and coming to Canada to dispose of the same, have had this roncounter with the Governor of Canada, and we give you the belt to keep as the head, and we, being inclined to answer the Canada Indians, desire your assistance in some present to give, being now destitute of belts.

Answer to the Indians. We commend your fidelity in revealing what has been said to you by the Governor of Canada, whose deceit you may now plainly see. We think it not proper that this belt be sent to the Five Nations, but remain in the hands of Aqueendero, Chief Sachim of Onnondage, till the arrival of His Excellency, the Earl of Bellomont, and the Sachims of the Five Nations, who will be here speedily, when the whole matter shall be discussed. In the meantime no answer to be made to the praying Indians. *Signed*, Robt. Livingston, Secretary for the Indian affairs. *Copy.* $2\frac{3}{4}$ *pp. Same endorsement.*

666. viii. Governor the Earl of Bellomont to the Lords of the Admiralty. New York, July 26, 1700. I arrived at New York from Boston in the *Arundel* frigat. The *Newport* at her going to Boston from hence with nine pirates and their effects, which were sent home by Rear-Admiral Bembow, was extremely out of repair, and Capt. Morris, her Commander, finding she could be better and cheaper repaired at Boston than at New York, I directed her to be fitted there. She was not

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ready to sail till my leaving Boston, so that she came hither in my company. Both the captains have promised to take in water and be ready to sail within three days, and then the *Arundel* is to cruise as far as the westermost cape of South Carolina and the *Newport* along the coast of Long Island, eastward, and so to Block Island, Rhode Island and to look into the Coast of Connecticut Colony. *Signed*, Bellomont. *Copy.* ¾ *p. Same endorsement.* [*Board of Trade.* New York. 10. *Nos.* 21, 21.i.–viii.; *and* (*letter and enclosure viii. only*), 54. *pp.* 434–446; *and* (*abstract only, with comments*), 45. *pp.* 94–97; *and* (*duplicates of letter and enclosures ii.–vii.*), *America and West Indies.* New York, 580. *Nos.* 27, 27.i.–vi., 28, 28.i.–vi.]

July 29. New York. **667**. Governor the Earl of Bellomont to Mr. Secretary Vernon. I am newly returned hither from Boston, and have brought a fit of the gout with me which will force me to be brief in this letter. I find a wonderful discontent here among the officers and soldiers for being cut off 27 months' pay and subsistence, and they having had credit from the country for near that sum, it has made so general an outcry that you cannot imagine. 'Tis feared the few soldiers that remain will follow their companions that have lately deserted in great numbers; and the next thing that's feared is we shall lose all our Five Nations at once, when they perceive our soldiers are run away; for they that are already in such dread of the French, will be much more so when they see we are not in a capacity to protect 'em. The victuallers too are like distracted men, their whole fortunes being out for serving the King. These are such things and reflect so much on the King's honour and the management of affairs in England, that really and truly I am almost at my wits' end, and have the most uncomfortable time of it that ever any man had. I doubt not but a gentleman at the Board of the Council of Trade laughs in his sleeve at all this, and I cannot but think him the author of the 27 moneths' losse of pay, and without all doubt he advised the reduction of the four companies. If the King can forgive him such a treachery, 'tis fit I should. I am told there went from hence, about a fortnight before my arrival here, a petition against me, signed by all the disaffected people in the Province, to the number, as they bragg, of 1,500 hands. It was handed through all the towns in the Province; 'tis intended to occupy the leisure of the House of Commons the next Session. 'Tis strange that though I was at Boston 300 miles from 'em, yet their malice would find me out at that distanee, but their malice is what troubles me the least. The ill usage I have met with about the not paying these four companies and reducing them, and the not allowing me to make use of the 1,500*l.* given me by this Province in almost a year and a half's time, these things and this treatment make me see myself poorly befriended by the Ministers. I shall send all manner of papers I have about Kidd, which I think are not above two or three, to you by the first ship that goes to England, for I am not now well enough to go about it. *Signed*, Bellomont. *Holograph.* 3 *pp. Enclosed,*

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667. i. Copy of His Excellency the Earl of Bellomont's Speech to the House of Representatives, New York, July 29th, 1700. Printed by William Bradford, by order of the House. *Signed*, Abra. Gouverneur, Speaker. 1*p.*

667. ii. Address of the House of Representatives of New York to His Excellency Richard, Earl of Bellomont, July 29, 1700. *Signed*, Abra. Gouverneur, Speaker. *Printed Copy.* 1 *p.*

667. iii. Printed copy of some queries sent up to His Excellency by the House of Representatives about his proposal for building a fort, together with His Excellency's reply, July 31st, 1700. $1\frac{3}{4}$ *pp.* [*America and West Indies.* New York, 580. *Nos.* 29, 29.i.–iii.]

July 29. **668.** Minutes of Council of New York. His Excellency acquainted the Council that his salary for this Government is very small, and that his charge of transporting himself and family from Boston is very considerable, that he finds presidents during the administration of former Governors that the charge of transporting themselves from their other to this Government has been paid out of the Revenue here. Warrant ordered for payment of 91*l.* 18*s.* 10*d.* to Isaac Taylor for His Excellency's use towards his charges during the said voyage.

July 31. His Excellency acquainted the Council that he just now received an express from Col. Schuyler giving an account that M. Marikour and Father Bruyas, the Jesuit, with others to the number of ten, were come from Canada to Onnondage and were tampering with the Five Nations and endeavouring to seduce them over to the French. The Gentlemen appointed for the management of the Indian affairs at Albany upon notice thereof had sent Jan Baptist van Epe with an instruction to Onnondage to hinder the Sachims from hearkening or making any treaty with the French, or to allow of any meeting with them, and that if the French would propose anything to the Sachims, to order them to answer that they expect His Excellency at Albany, and what they have to say to them, they must propose to His Excellency ; which was approved.

6*l.* paid to Johannis de Wandell and the other two men that brought the express. [*Board of Trade.* New York, 72. *pp.* 335–337.]

July 29. **669.** Minutes of Council in Assembly of New York. After being adjourned from the 25th and 26th, owing to several Representatives not having yet come to town, the House of Representatives were now summoned to attend His Excellency, who addressed them. He said that he had thought a Session absolutely necessary at that time in order that they might consider measures for securing the Five Nations. Their neighbours in Canada knew the value of the Five Nations, and with indefatigable pains were every day seducing them by their Jesuits, and, it was said, many of those who would not be seduced were being taken off by poison. The proper remedies against those growing mischiefs the Indians themselves had chalked out. They had often pressed for Protestant ministers to instruct 'em and a Fort to protect them from the incursions of the French and their Indians.

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He hoped there would be a way found out to furnish them with ministers from England, but for a Fort, that belonged to them to provide. "I am always very tender of engaging you in things of expense, but the building a Fort to secure the Indians and satisfy them is such an expence as I believe every man of you will think indispensably necessary, and that it should be built also out of hand, that the Indians may be encouraged by seeing there's care taken for their protection." He hoped they would vote supply accordingly. Considering that 'twas harvest time he proposed to give as short an interruption to their country affairs as possible, and was himself about to attend a Conference with the Sachims next week at Albany.

July 30. His Excellency adjourned the Council till next day owing to his indisposition. [*Board of Trade.* New York, 72. *pp.* 819–823.]

[? July 30.] **670.** J. Bass to the Council of Trade and Plantations. His Majesty having referred to you the consideration of the petition from the inhabitants of East Jersie, I lay before you the enclosed transcripts of letters lately received from some of the principle inhabitants, and tender my service if in anything it may conduce to the settlement of that unhappy people or promoting His Majesty's interest there, which now in this state of anarchy suffers as I am credibly informed not a little by the non-observance of the laws that relate to the Plantation Trade. *Signed*, J. Bass. *Annexed,*

670. i. Andrew Bown, Rich. Hartshorne, Councillors, to J. Bass. Middletown, July 23, 1700. Since the departure of Mr. Slater, Col. Hamilton hath put Mr. Morris into Commission of his Council and Justice, believing him to be the only man that can make the Province submit to him as Governor without the King's approbation. In order to effect it, they have turned out an Englishman, who was sheriff, and put in a Scotchman, who they thought would obey them without reserve. It is said Morris hath given out that he will carry his point in making the people submit to Col. Hamilton's Government or he will embrue the Province in blood. In order to which they seized upon several persons intending to force them to give security for their good behaviour, which one of them refused, and so continued in the sheriff's custody. This the people took grievously, it being harvest time. They had given out warrants to seize Richard Salter and others (*in Monmouth County*), and the sherif had like to have taken him, but some of his neighbours went and met the sherif, banged him, broke his head, and sent him packing. The people then resolved to meet on July 19, in order to fetch home him that was in the sherif's hands, upon the which Morris and Leonard dispatched an express for Col. Hamilton who immediately came (*from Burlington*). They pressed about forty men, and came on July 19th in arms to Middletown to the

1700.

Ordinary and there enquired for Salter and one Bray and marched of. About 100 of the people of Middletown were assembled, armed with sticks, and but for the persuasion of some much in their favour there would have been broken heads. The Justices had persuaded the person in the sheriff's hands to give security for good behaviour the day before this meeting. We believe, including the Scotch, there is six to one against owning Col. Hamilton Governor, and almost all bitterly against Morris, whom they looked upon as the first man that opposed Government.

670. ii. Another account of the same affair, unsigned. Justice Bishop and Dennis utterly disown the proceedings of Col. Hamilton, Morris and Capt. Leonard, and say they never was at Council but once since Hamilton came and then gave no such advise to make disturbance in the country. It is the general resolution of the country that if they make any further disturbance, to apprehend Hamilton, Leonard and Morris and secure them until His Majesty's pleasure be known. Meantime the country desires that some other person be appointed to keep the peace until His Majesty be pleased to send over a Governor or otherwise settle this province. At present we are in great confusion, their wicked instruments have been so busy in harrassing of some and haleing others to prison, who have shown their dislike to their arbitrary proceedings, and the country on the other hand are rising by whole towns against them. These officers of theirs are so bold as to attempt the drinking of King James' health, and others have given out very suspicious words. East Jersie. July 30, 1700. *The whole*, 3¼ *pp. Endorsed*, Recd. Read Nov. 15, 1700. [*Board of Trade.* Proprieties, 5. *No.* 69; *and* 26. *pp.* 341–348.]

July 30. Whitehall. **671**. William Popple to Charlewood Lawton, Agent for Pennsylvania. I enclose extracts of two of Mr. Penn's letters, Feb. 27 and April 28, that you may take such measures about procuring what he desires, advising with Counsel upon his doubts and informing him therein, as you think convenient. The Lords Commissioners for Trade and Plantations, since the Order of Council, Nov. 13, 1685, relating to the boundaries between Maryland and Pennsylvania, have several times directed first Col. Nicholson and afterwards Col. Blakiston, Governor of Maryland, (with the concurrence of Mr. Penn whilst here, by a letter to Col. Markham, then Lieutenant Governor of Pennsylvania) to take care that the boundaries should accordingly be fixed. They have lately been informed by Col. Blakiston that he having acquainted the Lord Baltimore's Agents in Maryland therewith, they declined to proceed therein for want of directions, as they say, from his Lordship. The Lords Commissioners, thinking it very necessary for preventing disputes between the inhabitants of the said Provinces that the boundaries be determined, give

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you this account of that affair, that you may apply yourself to Lord Baltimore for his concurrence and directions. [*Board of Trade.* Proprieties, 26. *pp.* 291, 292.]

July 30. Whitehall. **672.** Wm. Popple to Sir Thomas Trevor. The Council of Trade and Plantations desire your opinion in point of law upon the Acts passed at a General Assembly in Maryland, Apr. 26—May 9, 1700. *Annexed,*

672. i. List of Acts referred to. [*Board of Trade.* Maryland, 9. *pp.* 506–508.]

July 30. Whitehall. **673.** Council of Trade and Plantations to the Lords Justices. In obedience to His Majesty's commands we have prepared a draught of a Commission and Instructions for Capt. Benjamin Bennett to be Lieut. Governor and Commander in Chief over His Majesty's Bermuda or Summer Islands, which we herewith humbly lay before your Excellencies, together with a draught of other particular Instructions prepared by the Commissioners of His Majesty's Customs. (July 17). We humbly beg leave further to represent that, whereas in the representation which we laid before His Majesty, June 5, relating to Commissions for the trial of pirates in His Majesty's Plantations pursuant to the late Act of Parliament in that behalf we did not insert the names of Commissioners for the Bermuda Islands by reason of the unsettled state of that Government, the disorders whereof will, we hope, by the aforesaid Commission and Instructions be in good measure remedied; we now humbly offer that a Commission may be dispatched for the trial of pirates in those Islands in like manner as has been directed for His Majesty's other Plantations in America, and that the Commissioners of the said Islands be, the Governor, Commander in Chief and Vice-Admiral of the Bermuda Islands; the Members of His Majesty's Council for the time being; The Judge of the Vice-Admiralty and the Captains and Commanders of His Majesty's ships of war within the Admiralty jurisdiction of the Bermuda Islands for the time being; the Secretary, the Surveyors General of His Majesty's Customs in America, and the Collector of His Majesty's Plantation dues for the time being. *Signed,* Ph. Meadows, Abr. Hill, Geo. Stepney, M. Prior. [*Board of Trade.* Bermuda, 30. *pp.* 39–42.]

July 30. **674.** Minutes of Council in Assembly of Barbados. Alexander Walker, elected Member of the Assembly for the parish of St. Peter, took the oaths appointed and signed the Test and Association. [*Board of Trade.* Barbados, 65. *p.* 525.]

July 30. **675.** Minutes of General Assembly of Barbados. Only 13 members being present, the House adjourned. [*Board of Trade.* Barbados, 65. *p.* 564.]

July 30. **676.** Journal of Council of Trade and Plantations. Mr. Crown attending was directed to draw up a plain state of his title to the Country of Penobscot.

Mr. Smith attending, was told that his last papers, relating to

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silver mines in Carolina, had been read, and that this Board did not now think it proper for them to meddle in any thing thereby proposed; but that he ought rather to apply to the Treasury and the Lords Proprietors of Carolina.

Order of Council, July 25th, upon the petition of John Cole, etc., read.

Secretary ordered to write again to the Barbados Agents for Mr. Attorney General's answer to the letter writ him and enclosed to them, July 17th.

Letter and enclosures from Mr. Randolph, May 27th, read.

Letter from Read Elding, Dep. Governor of the Bahama Islands, April 12th, read.

Letter from Col. Quary, April 10th, read.

Letter from Col. Blakiston, May 28th, read. Papers enclosed laid before the Board. Acts of Maryland enclosed and ordered to be sent to Mr. Attorney General.

Mr. Mears communicated to the Board a letter from Mr. Charles Walker to himself, Bermuda, June 6th, informing him that Mr. Day had refused to obey an Order of the King in Council, relating to the *Dolphin* sloop; which being read, their Lordships ordered a copy to be kept of it.

A representation was signed to accompany the draughts of Capt. Bennet's Commission and Instructions for the Government of the Bermuda Islands.

July 31. Mr. Simon Clement, in reference to the complaints against the Lieutenant Governor of St. Christophers, acquainted the Board that Mr. Cole, the petitioner, is an inhabitant of Nevis, and writes with assurance that the facts alleged are true, and that he had sent the names of four persons, *viz:* John Pogson, John Panton, Samuel Crook and Henry Burrell, whom he desired might be joined with any others that shall be thought fit to be made Commissioners for enquiring thereinto. Upon which, their Lordships thinking fit to speak with Col. Codrington before they take any resolution therein, ordered that he have notice to attend the Board to-morrow morning.

Letter from Col. Nicholson, June 10th, read, and papers therewith received laid before the Board. [*Board of Trade.* Journal, 13. *pp.* 128–139; *and* 97. *Nos.* 131, 132.]

July 31. **677.** Minutes of Council of Massachusetts Bay. The Lieutenant Governor produced a letter from Major Tyng, July 29, in return of the order sent to him to be conveyed to the Pennecook Sachems together with a narrative of Capt. Jerathmeel Bowers, who was sent to Pennecooke with the said orders, containing his observations of the carriage of the Indians and his suspicion of their having some ill design on foot. Advised, that Col. John Phillips and Major James Converse be appointed to undertake a voyage to the eastward, and to direct the erecting of a Trading-house and fortification at Cascobay, according to the resolve of the General Assembly at their late Session, and to draw up a Memorial of such materials, tools, etc., as they shall think necessary, and of what workmen must be employed thereabouts.

Thomas Cooper, merchant, granted licence to build a bakehouse

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on the backside of his brick-house in Shrimpton's Lane in Boston, provided he slate and rougheast the same.

Licence granted to David Robertson, mariner, to build a house of timber upon a piece of land in Boston; between Mr. Increase Mather's and the widow Rainsford's, provided he build the ends of brick, rough cast the sides, and build a flat roof to the same.

Licence granted to Samuel Sewall to erect a barn in the south end of Boston, on land formerly belonging to Robert Walker.

Aug. 1. Account of Daniel Willard, keeper of the prison, for the maintenance of four pirates, paid.

Payment ordered for the mending of the road to Connecticut.

15*l.* ordered to be paid to Mr. Samuel Emery, minister of Wells.

Licence granted to Samuel Bridge, senr., to erect a barn of timber, near his own house at the south end of Boston. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 3–6.]

July 31. **678.** Minutes of Council in Assembly of New York. Petition of John Marsh referred to a Committee.

Joint Committee of the two Houses appointed to consider His Excellency's proposal for building a Fort.

Aug. 1. Council adjourned till next day owing to the Governor's indisposition. [*Board of Trade.* New York, 72. *pp.* 822, 823.]

Aug. 1. Whitehall. **679.** Circular Letter to the Governors and Governments in America. Enclosing a copy of the order of the Lords Justices in Council, July 18th, relating to the required report as to the method of proceedings in the several Courts upon trials of all sorts of causes. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mt. Prior. *Mem.* This letter was sent, *mutatis mutandis*, to the Governors of New Hampshire, Massachusets Bay, New York, Maryland, Virginia, Jamaica, Leeward Islands, Barbadoes, Pennsylvania; to the Governor and Company of Rhoad Island and Connecticut, and to the Lords Proprietors of Carolina and the Bahama Islands. There was no letter writ to the Jerseys because of the dispute about the right of Government. [*Board of Trade.* Plantations General, 35. *p.* 332; *and* (*Memorandum only*) Proprieties, 26. *pp.* 293, 294.]

Aug. 1. **680.** Journal of Council of Trade and Plantations. Mr. Solicitor General's reports upon several Acts of the General Assembly of New York, Oct. 5, '96—April 23rd, '97 and March 2nd, $\frac{98}{99}$—May 16th, 1699, read. Their Lordships took the said Acts into consideration, made some progress in the perusal thereof, and gave directions in order to a report upon them.

Col. Codrington, attending as he had been desired, the Order of Council and petition relating to complaints against the Lieutenant Governor of St. Christophers were read, and directions afterwards given for preparing a Representation thereupon to be laid before the Lords Justices. Col. Codrington upon this occasion declaring to the Board that he intended to part from hence in order to repair to his Government in a very few days, His Majesty's letter relating to pirates, Oct. last, was delivered to him.

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Extract of a letter from Paris, July 27th, with a printed copy of the late establishment of the Council of Commerce in France, was now received from Mr. Blathwayt and read.

Circular letters to the Governors of New Hampshire, the Massachusets Bay, New York, Maryland, Virginia, Jamaica, Leeward Islands, Barbadoes, Road Island, Connecticut, Pennsylvania, and to the Lords Proprietors of Carolina and of the Bahama Islands, in pursuance of their Excellencies' Order in Council, July 18th, relating to the method of proceedings in the several Courts in those parts respectively, were now signed.

Aug. 2. Representation upon the Order in Council, July 25th, relating to complaints against the Lieutenant Governor of St. Christopher's, signed.

Ordered that a letter be writ to Mr. Richard Cary to desire him to solicit the dispatch of Mr. Attorney General's answer to the queries sent him, July 4th, relating to Col. Fox's assuming the government of the Leeward Islands. Acts of the General Assembly of New York considered. [*Board of Trade.* Journal, 13. *pp.* 139–141; *and* 97. *Nos.* 133, 134.]

Aug. 1. Virginia, James Town. **681.** Governor Nicholson to the Council of Trade and Plantations. I hope in God that before this all the ships that went under the convoy of H.M.S. *Essex* prize are safe arrived with the pirates that were on board them, and that you received my letter, etc., of June 10th. I transmit copies of several letters, etc., concerning the murdering of eight persons by the Indians in Stafford County in the upper part of Potomock River. I was in hopes when I writ last that we should have had no more murders and mischiefs done by the Indians, but I find they are resolved to continue it annually. I enclose the proceedings of Council, July 9th, from which you may see what was done in that matter, and also concerning your Lordships' letter Jan. 4th, relating to the Western Indians, and the Revisal of the Laws. There being but four of the old Council and the two new ones was one principal reason which made them desire that the consideration of those two affairs might be deferred. I have appointed the Council to meet me here, God willing, on the 8th inst., the next day after the monethly meeting of the Revising Committee. But though I chose that time in hopes to have a full Council, yet it is very uncertain. You will see the excuses John Custis and Robert Carter make for not constantly attending the Council. And Ralph Wormley, His Majesty's Secretary here, hath never come to Council. And by one of my Instructions, which was recorded in the Council book for them to have recourse to, I find that I cannot now admit him, by reason that he hath absented himself the greater part of two years, he having not produced His Majesty's leave, neither hath he had my leave, but hath been constantly written to when the Council was to meet. Richard Lee is excused attending the Council upon his petition, which I sent to your Lordships, and Daniel Park I suppose is in England, and no account hath been sent to me that he hath His Majesty's royal leave. So there are now but nine of His Majesty's Council. I enclose their names; three of which, Col. Scarborough, Col.

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Carter and Col. Custis I don't expect, except at the General Courts and Assemblies, especially the two Eastern Shore gentlemen. And very often some of the six are sick, lame or have extraordinary business, which makes me now humbly propose that more be added to the Counell. For your Lordships know that by my Instructions I am not to act without a Quorum of less than five. I enclose duplicate of Laws, 1699, and Journal of the Committee to revise the Laws. They did not meet to do business neither in June nor July, by reason of a sufficient number not coming, but I hope in God that in this moneth, September and October they will, and dispatch what lies before them. I enclose the continuance of the abridgement of the old Laws and resolves of the Committee for revisal etc. thereupon. I enclose my proclamation for apprehending pyrats according to your Order, Feb. 16, but on the 24th of the last moneth Capt. Passenger gave me an account that the said Henry Moonday, Commander of the *John Hopewell*, was gon up to Herring Bay in Maryland, and that he had 400 negroes on board. After the misfortune by the pyrates, his mate did him an extraordinary piece of service by being too hard for the pyrates, and bringing to him a sloop, etc. The Proclamation for proroguing the Assembly, enclosed, gives the reason why 'tis prorogued for so long a time. His Majesty's Order, Jan. 18, concerning the denization of aliens shall be duly observed by me. And 'tis a satisfaction to me to find that the two Acts, which I passed in Maryland about naturalisation, were not disapproved of by His Majesty's Attorney and Solicitor General. I enclose the copy of the Committee for revising the Laws, their desire for the Treasurer to pay me the sum of 104*l.* 11*s.* 2*d.*, which I advanced to buy things in England for the use of the Capitol, according to their former request. I enclose a copy of the Lords Proprietors' letter of North Carolina. I heartily wish their Governor was come to North Carolina so that the affair of the Boundaries might be adjusted. In the interim all care shall be taken by me for His Majesty's interest and service. The 24th of the last moneth I had the great honour to receive His Majesty's letter, March 18th, and your Lordships' letter, April 12th, concerning the French Protestant Refugees. As I have, so I will endeavour to obey his Majesty's commands about ym. They were on board the ship *Mary and Anne* of London, George Haws, commander, who had about 13 weeks' passage, and the 23rd of the last moneth arrived at the mouth of this river. I immediately went down to Kikotan to give directions in order to their coming hither, some of which came on Sunday in the evening, the rest the next day. I writ to Col. Byrd and Col. Harrison to meet ym here, which they did; and we concluded that there was no settling of ym in Norfolk nor thereabouts, because 'tis esteemed an unhealthfull place, and no vacant land except some yt is in dispute now betwixt us and North Carolina; so we thought it would be best for ym to go to a place about twenty miles above the Falls of James River, commonly called the Manikin Town. There is a great deal of good land, and unpatented, where they may at present be altogether; which we thought would be best for His Majesty's service and

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interest, and that they would be a strengthening to the Frontiers, and would quiekly make a settlement, not only for ymselves, but to receive others, when His Majesty shall be graciously pleased to send ym. They may be prejudieial to His Majesty's interest and serviee, by living long together and using their own language and customs, and by going upon such manufaetures and handicraft trades, as we are furnished with from England, but aecording to my duty I shall endeavour to regulate these affairs. And when, please God, the Council meets, I shall lay before ym ye matters relating to these Refugees. On Tuesday I mustered ym, and No. 10 is a eopy of ye list of ym. Col. Byrd went before ym, in order to meet ym at ye Falls of this River, where he formerly lived, to dispose of ym thereabouts, till they can get houses or sheds in the place for their reception, and he promised to go along with the Marquis [*de la Muce*] and Mr. Sailly, to shew ym ye land. The people at present seem to be very well affeeted towards ym and to commiserate their eondition, and some who have seen them have given them money, viz. Col. Harrison 5*l*., Mr. Commissary Blayer the like summe, the Revd. Mr. Stephen Fouace thereabouts, Mr. Benjamin Harrison, 5*l*., Mr. Attorney General Fowler something, as likewise Mr. William Edwards, merchant of this place. I am apt to think that several gentlemen and others will be charitable to ym. They went from hence yesterday. If His Majesty be graeiously pleased to send over more, I humbly propose that Mr. Mieajah Perry, merehant of London, may be spoken with about their passage hither, and that they may have their passage on board the ships which come to the upper parts of James River, which is the nighest plaee to their settlement; and that there may not above 40 or 50 come in any one ship: so they may be better aecommodated in all respects: for I have observed that where ships that come into these parts are crowded with people, 'tis very prejudicial to their health, some getting sicknesses whieh not seldom prove catching, some die on board and others soon after they come on shore.

In accordance with your Orders of April 12th, I shall endeavour to concert with His Exeellency Col. Blakiston and to settle some trade or intercourse with the Western Indians, according to the Earl of Bellomont's proposal, which is now before the Committee for revisal of the Laws. I enclose eopies of the Earl's letters to me and my answers. I shall endeavour to comply with your Orders of April ye 12th, coneerning my meeting His Exeellency, and shall write to my Lord and Col. Blakiston about it. And with submission the time which I think yt His Majesty's other services will admit my doing it (being our Assembly is prorogued to ye 23rd of October) is to go from hence the beginning of September, to eall on Col. Blakiston about ye 9th or 10th, to be at Philadelphia with Mr. Pen about the middle, at New York about the 20th or 21st, for I suppose yt His Excellency the Earl of Bellomont will not be able to come to Philadelphia, either by reason of His Majesty's affairs or of the gout. I hope in God to be back by the meeting of the General Court, which begins on Oct. 15th, as also

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that no pyrates will either come within the capes or lie about the coasts during my absence. When I call upon Col. Blakiston, I intend to go by Stafford, the place where the Indians did the murder, in order to see that the Rangers do their duty, and give the necessary Orders. I humbly beg leave to offer to your Lordships the scruple which I have for not entirely concerting affairs with Mr. Pen, because yt by a printed Proclamation of his about piracies etc., he stiles himself only Proprietary of ye Province of Pensylvania and Counties annexed, etc., by which it doth not appear that he is His Majesty's Governor of Pensylvania, etc., and I suppose that he hath not taken the oaths appointed by the Acts of Parliament, nor subscribed the Test and Association. So I most humbly desire your Lordships' direction, whether I must correspond with him as one of His Majesty's Governors.

With regard to your letter, Jan. 4th, $\frac{1699}{1700}$, concerning the Boundaries betwixt Virginia and North Carolina, your Lordships may please to remember yt His Majesty's Council and I did not think it convenient to treat any further with the two gentlemen sent from the Deputy Governor of North Carolina, because we thought that he had not qualified himself pursuant to the Act for preventing frauds and regulating abuses in the Plantation Trade. I do assure your Lordships that what I now presume to write concerning that ingenious person Mr. Pen is not out of any ye least prejudice to him. By the correspondence which I have had the good fortune of keeping with him since he came to Pensylvania, I find that he hath acted for His Majesty's interest and service. With submission I think that His Majesty's Governors cannot entirely concert affairs with any Proprietarys' Governors, or their Deputies, or with a Charter-Governor, because His Majesty's interest and theirs are different in most respects; for I think they may be compared to the Popes, who, from the first time that the Emperors gave them temporal power, have by several unjust ways and means got more, and endeavour to do so still. I am of opinion that His Majesty's interest and service in general, and of my dear mother-country, Old England, in particular, can never be rightly managed till the rest of the Proprietarys and Charter-Governments be as New England and Maryland; and if the Proprietors, Governors, or their Deputies, or Charter Governors, and other officers in those Governments, be not obliged to comply with the Acts of Parliament for taking the oaths, etc., they will continue to have a mighty advantage of His Majesty's Government.

In answer to your letter of June 26th, 1699, I find no Patent Places here, but the Secretary's and Auditor's, concerning which I gave an account, July 1st. And I intend, God willing, to write the same to the Treasury. According to the Order of Council, June 22nd, 1699, I did design to have sworn Mr. Secretary Wormley, July 14th, thereafter, but it pleased God yt I was then sick and continued for some time, and nothing hath been done in Council since, and now I shall not do it for the reasons before intimated. I enclose propositions concerning the Secretary's and Auditor's places. *Signed*, Fr. Nicholson. *P.S.* The latter end of June it set in raining, and continued so to do,

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less or more, for about 26 days. They say that there seldom or never were more wet seasons. Reports from several places that a great deal of tobaccos are drowned, and corn too, especially in ye low lands. Some of both sorts is spoiled by the weeds, the weather being so wet they could not weed ym. Unless please God there come seasonable weather, there will be but indifferent crops of corn or tobacco, and not much of ye latter will be good. I have an account that there will be very few hogsheads of old tobacco left in the country after 4 or 5 ships are sailed, one of which is Capt. Joseph Moonday, who came lately from Guiny and brought into Yorke River about 230 negroes, and I heard they were sold from 28*l.* to 35*l.* per head; the greatest price yt has been known. There were as many buyers as negros, and I think that, if 2,000 were imported, there would be substantial buyers for them. They expect several ships from Guiny with negros, but I am afraid that no more will come. I am very glad that the tobaccos will be gon, because it is for His Majesty's interest, as it will be also that there come ships enough to carry away this year's crop of tobaccos. Fr. N. *Endorsed*, Reed. 19th. Read 21, October, 1700. 7 *large pp. Enclosed*,

681. i. Abstract of preceding. $3\frac{3}{4}$ *pp.*

681. ii. Copies of several letters concerning the murder of eight persons by the Indians in Stafford County.

(1) Col. Mason to the Governor of Virginia. As for the Emperor and his Indians returning to Maryland, it is not so, though he did promise the Governor he would. King Peter and his Indians doe continue at Pomunkey Town in Maryland and make corn there. There's about 100 men, women and children, and they say the Emperor is a great rogue. June 15, 1700. *Signed*, G. Mason.

(2) Robert Collson to the Governor of Virginia. The Emperor of Piscattaway, being at Pomunkey, informed me that he had seen the footing of strange Indians near their fort. They were Towittowos, who lived a great way beyond the Senecas, near to ye French, and were hired by the French to come and injure the Indians or English. He said his Indians were unwilling to return to their former habitations in Maryland, because they were afraid those strange Indians would follow them and do mischief to the English which would be laid on them. I told him that if they remained there, and any mischief were done, to be sure the English would think yt he and his Indians did it. The Emperor said he had sent some of his great men to the Sencas to get them to make a peace for ym with these strange Indians. June 8th, 1700. *Signed*, Robert Collson.

(3) Col. Mason to the Governor of Virginia. *Describes the murder and mutilation of Thomas*

1700.

Burton's family by Indians on June 16th. "This murther was ye horriblest yt ever was in Stafford, and I thank God we have not had the least harm on this side of Oeaquan, since I have kept the people bravely on their Plantations, but God knows what I shall do now, for this has almost frighted our people out of their lives and interests, and besides the Emperor and his Indians being still about, which did as surely do the murther as God's in Heaven." Thomas Burton on coming home called at mill and took a bag of meal with him. About 400 yards from his house about 20 Indians started up and immediately had him in a half moon; he, well mounted, pu(*sh*)t on, endeavouring for his house, but being loaded, they had like to have gotten him; but with great difficulty he got his bag off and brake through the woods, and got safe to a neighbour's house. I am of opinion they had done all the murder before, for undoubtedly they would have killed him, but had no arms, and never fired shot or arrow, neither had they any l[*u*]ggedge, but naked, so am of opinion that they had another party besides. If they had had arrows they would have killed him, for their arrows were of great force, for they have made holes in the roof of the house as big as swan-shot. And believe there were at least 40 by their several great tracks, and am of opinion yt great part of ym is gone to Maryland, and ye rest back. I have raised 12 men and sent every way to search the frontiers and back-forest-plantations and intend to keep constantly moving myself with ym, until have your Excelleney's commands, then trust in God shall be able to give our people better satisfaction than at present can, for I am afraid yt we shall have a bad summer; but if, please God, can but keep ym upon their Plantations, it will be some discouragement to the enemy; but those too are deserted for this year. Without immediate care, shall have but few Plantations in Stafford. June 18th, 1700. *Signed*, G. Mason.

(4) Governor Nicholson to the Governor of Maryland. Maryland, June 26th, 1700, at Mr. Yates's. I propose yt we might, God willing, meet on Saturday night or Sunday morning at the honble. Col. Addison's house, in order to discourse and adjust matters concerning ye Indians. I intend to bring Lt. Col. Mason with me to give your Excellency a full account of the late murther of a man and woman and six children. I hope you will bring Major Dent along with you.

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(5) Governor Blakiston to Capt. Philip Hoskins and Mr. William Dent of Charles County. From Col. Addison's, July 1, 1700. I have conferred with His Excellency Francis Nicholson. You are to take with you an Indian Interpreter, Henry Moore, and to repair to the Indian Town and acquaint the Emperor, that if he takes due care to keep himself and those under his command within their proper stations according to their Articles, they shall be sure to have my protection. Those that remain near the mountains will do so at their own risk. For taking off any suspicion of ye Virginians as to himself and those with him, it is necessary he should give an account where they were the Sunday of the murder. They must forbear to go or hunt in Virginia till leave is given. They must not range or hunt beyond the Eastern branch of Potomock without giving an account of themselves to Col. John Addison, and where they intend to pitch their cabins. He must give any information he can as to the murder. *Signed*, N. Blakiston.

(6) Governor Nicholson to Lt. Col. Mason. At Col. Fitz-hugh's, July 2nd, 1700. I hope in God that we shall have no more mischief done by ye Indians, and yt ye people are all returned to their Plantations, and also that the Militia-Officers and Justices will meet you this week. One part of the Rangers I hope will be constantly ranging. *Signed*, Fr. Nicholson.

(7) Governor Nicholson to Lt. Col. Mason. James Town, July 13th, 1700. I hoped before this time to have heard from you as to the results of the meeting of the magistrates and Militia-Officers, and the Indian affairs. I kept the Council in town one day longer in expectation; but expect now a full account, which you are to communicate to the Governor of Maryland. Inclosed is an Order of Council, which you are precisely to obey in ye management of ye Indian affairs. Would have you, when you attend the Governor of Maryland, to make private inquiry into their proceedings, yt you may communicate what needful to me.

(8) Governor Nicholson to Governor Blakiston. James City, July 13, 1700. I have ordered Col. Mason to attend you.

(9) Col. Mason to Governor Nicholson. Stafford Court, July 10th, 1700. The Rangers continue their duty, and I have upon ye request of the Frontiers, placed six men and Ensign Guiles Van de Castiall to range upon the head of ye river. The neighbours have fitted out

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their sons and other young men well-equipped. Cornet Burr Harrison from Acaquan ranges from Acaquan to Potomock Creek. These two officers and men give good content. They range each party four days a week, which is as hard duty as can be performed. The day appointed by your Excellency the weather was so bad none could meet, so did refer your commands until this day, being the Court of Adjournment. The delay has been no one's fault. The inhabitants still continue from their houses, but abundance better satisfied since part of ye Rangers is constantly ranging among ym. I find it will be of great disservice to our county-business to have Captain Hoole out of ye Commission. *Signed*, G. Mason.

(10) Civil and Military officers of Stafford County to Governor Nicholson. Stafford Court House, July 10th, 1700. Petitioning for the continuance of Rangers on the frontier. *Signed*, Wm. Williams, Jno. Washington, Jos. Sumur, Edwd. Hart, Wm. Fitzhugh, junr., George Anderson, Sam. Burton, Ben. Colclough, John Colclough, G. Mason, Rice Hooe, Robert Alexander, Richd. Fossaker, Charles Ellis, Mathew Thomson, Robert Colson, Tho. Harrison, John West.

(11) Col. Mason to Governor Nicholson. July 20th, 1700. I have been unavoidably delayed, and am lame, but shall forthwith send everything to the Governor of Maryland as you command. You shall have a full account of their proceedings at Mount Calvert, for intend, God willing, as soon as am able, to go to Major Dent's. As to the Indian affair, our County people are much as they were, when your Excellency left us, none gone home yet; the Rangers perform their duty according to your commands. I return your Excellency thanks for your great care of our County, as find by your command in Council. *Signed*, G. Mason. *Endorsed*, Recd. Oct. 19, 1700. 7¼ *pp.*

681. iii. Memorandum of Minutes of Council of Virginia, July 9th, 10th, 1700. ¼ *p.*

681. iv. Names of the nine Members of Council. *Signed*, Fr. Nicholson. ½ *p. Same endorsement.*

681. v. Memorandum of Acts of Virginia, April 27th—June 8th, 1699. ¼ *p.*

681. vi. Memorandum of Journal of the Committee for revising the Laws, April 3rd—May 8th, 1700. ¼ *p.*

681. vii. Memorandum of continuation of directions of the Committee for revising the Laws, about drawing several Bills. ¼ *p.*

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681. viii. (1) Proclamation for proroguing the General Assembly of Virginia to Oct. 23rd. *Signed*, Fr. Nicholson. July 10th, 1700. 1 *p.*

(2) Proclamation for the apprehension of Henry King and other pirates. *Signed*, Fr. Nicholson. July 9th, 1700. *Endorsed*, Recd. Oct. 19th, 1700. 1¼ *pp.*

681. ix. Copy of recommendation from the Committee for revising the Laws and of warrant issued accordingly for the payment of Governor Nicholson what he had disbursed for the use of the Capitol. June 10, 1700. 1 *p.* *Same endorsement.*

681. x. Memorandum of a letter from the Lords Proprietors of Carolina to Governor Nicholson, about the Boundaries, Dec. 16th, 1699. ½ *p.*

681. xi. List of the French Refugiez arrived with the Marquis de la Muce in Virginia. Pierre Delomé and wife; Marguerite Sené and daughter; Magdalaine Martell; Jean Vidan; Tertulien Seheut, wife and two children; Pierre Lauret; Jean Roger; Pierre Chastain, wife and five children; Philipe Duvivier; Pierre Nau, wife and two daughters; François Clerc; Simon Sardin; Soubragon and Jaques Nicolay; Pierre du Toy; Abraham Nicod; Pierre Mallet; François Coupet; Jean Oger, wife and three children; Jean Saye, Elizabeth Angeliere; Jean and Claud Mallefaut with their mother; Isaac Chabanas and son; Catharine Bomard; Estienne Chastaine; Adam Vignes; Jean Menager; Jean Lesnard; Estienne Badouet; Pierre Morriset; Jedeon Chambone and wife; Jean Farey; Jerome Dumas; Joseph Bourgoian; David Barnard; Jean Chenas and wife; Jean Tardieu; Jean Moreau; Jacques Roy and wife; Abraham Soblet and two children; Quintin Chassalain; Michael Roux; Jean Guiché, wife and three children; Henry Cabanis, wife and child; Jacques Sugre; Jean Bassou; François Boffe; Jean Fouchie; François Sassin; André Cochet; Jean Gaury, wife and child; Pierre Gaury, wife and child; Jaques Philipe, wife and four children; Pierre Perrut and wife; Isaac Panetier; Jean Parrantos and sister; [? *El*]ie Trejusson and wife; Elizabeth Tignac, [*An*]thoine Trouillarde; Jean Bourrie; ——m Bouchett; Jacques Voyes; Elizabeth Mingot; Catharine Godriot; Pierre la Cour; Jean and Michell Cantapie, wife and two children; Jaques Bioret, wife and two children; Abraham Moulin and wife; François Bilbot; Pierre Comte; Estienne Guerin; René Massoneau; François du Tartre; Isaac Verry; Jean Parmantier; David Gonthier and wife; Moyse Lewreau; Pierre Tillon; Marie Leuesqz; Jean Constantine; Claud Barden and wife; Jean Imbert and wife; Elizabeth Flewry; Louys du Pyn; Jacques Richard and wife; Adam and Marie Prevost;

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Jacques Veron and wife; Jacques Brousse and child; Pierre Cornu; Louys Bon; Isaac Bourdet; Jean Depre; Jean Gaillard and son; Anthonie Matton and wife; Jean Leuadou and wife; Louys Orange, wife and child; Daniel Faure and two children; Pierre Cupper; Daniel Roy; Magdalain Gigons; Pierre Grelet; Jean Jouanny, wife and two children; Pierre Ferrier, wife and child; Widow Faure and four children; Isaac Arnaud and wife; Pierre Chatanier, wife and brother; Jean Fouasse; Jacques Bilbeau; Jean Marohe; Catharine Billot; Marie and Simon Jourdon; Abraham Minot; Timothee Moul, wife and child; Jean Sauin, wife and child; Jean Sargenton, wife and child; Claude Philipe and wife; Gabriel Hurler; Pierre Delorme; Helen Truyber. 207 persons (110 men). Receipt for passage money (945*l.*), *subscribed*, Geo. Hawes. James Town, July 31st, 1700. *French*. 1 *p. Same endorsement.*

681. xii. Copies of correspondence between Lord Bellomont and Col. Nicholson, Nov. 1698, Jan. 14, '99—March 4, '99, May 6, '99 and Oct. 27, '99. *Endorsed*, Recd. 19th, Read 22nd Oct., 1700. $2\frac{3}{4}$ *pp.*

681. xiii. Copy of Mr. Penn's Proclamation about pirates. Philadelphia, "the 23rd day of the tenth month in the eleventh year of William III." *Endorsed*, Recd. Oct. 19th, 1700. $1\frac{3}{4}$ *pp.*

681. xiv. Proposals concerning the offices of Secretary and Auditor for Virginia. *Signed*, B. Harrison, junr. *Endorsed as preceding.* 12 *pp.* [*Board of Trade.* Virginia, 9. *Nos.* I, I.i.–xiv.; *and* (*without enclosures*) 38. *pp.* 31–49.]

Aug. 1. **682.** Journal of the Committee appointed to revise the Laws of Virginia, April 3–May 8, 1700. *Endorsed*, Recd. Oct. 19, 1700. [*Board of Trade.* Virginia, 52. *pp.* 508–511.]

Aug. 2. James City. **683.** Governor Nicholson to [? the Earl of Jersey]. On the 10th of June by our fleet I did myself the honour of writing to your Lordship. I hope in God that all the fleet are arrived safe in England with the tobacco and pirates, which were on board.

Repeats passage from letter Aug. 1, *about the arrival, settlement and sending over of the French Protestant Refugees. Signed*, Fr. Nicholson. *Endorsed*, R. 21 October. $1\frac{3}{4}$ *pp. Enclosed,*

683. i. List of French Protestant Refugees, and copy of Geo. Hawes, receipt for their passage. 2 *pp.*

683. ii. Copy of Proclamation for the apprehension of pirates. *Signed*, Fr. Nicholson. Copy of Proclamation proroguing the Assembly. *Signed*, Fr. Nicholson. *The whole*, $2\frac{1}{2}$ *pp.*

683. iii. Copy of proceedings of the Council of Virginia, July 9th, 1700. $15\frac{1}{2}$ *pp.*

1700.

683. iv. Copy of Journal of the Committee to Revise the Laws, Ap. 3–May 8, 1700. 3¼ *pp.*

683. v. The continuance of the abridgement of the old Laws, and resolves of the Committee for revisal thereupon. 10 *pp.*

683. vi. Remarks on the office of the Secretary and Auditor. 9 *pp.* [*America and West Indies.* Virginia, 638A. *Nos.* 1., 1.i.–vi.]

Aug. 2. Whitehall. **684.** Council of Trade and Plantations to the Lords Justices. We have examined the matter of John Coles' petition (July 25) and not finding that any proofs thereof have been transmitted by the petitioner in his letters to his correspondents here, we are therefore humbly of opinion that Col. Codrington may fitly be directed to commissionate certain persons on St. Christopher's, as desired, to enquire into the truth of those complaints, and otherwise to inform himself of that matter, and to transmit hither the evidences so taken, with his report. *Signed,* Phil. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney, Matthew Prior. [*Board of Trade.* Leeward Islands, 46. *pp.* 63, 64.]

Aug. 2. Jamaica. **685.** Governor Sir William Beeston to William Popple. I have your courteous letter of Jan. 26th, for which I thank you. I do not write now to the Right Honourable the Lords because here is nothing of moment to trouble them with. The country continues hitherto very healthy, is in a thriving condition and in greate quiet, and, if it please God to continue this health amongst us, will prosper very fast, onely we want settlers, for tho' we have had many people arrived this last yeare, yet most are servants, who, when their times are out, and having no fund to settle with, run a rogueing and log-wooding, by which many are lost to the country. I intended now to transfer to their Lordships the Muster-Rowles of the several Regiments, but tho' I have used my endeavours, yet have not received them from the remote settlements, but doe now transmit to you and pray you to lay before their Lordships the Public Account to Sept. 29th, 1699, and in a short time shall send them to our Lady Day, 1700, with the Muster Rowles of this year. We have no pyrats about this island, tho' many in the West Indies. *Signed,* Wm. Beeston. *Endorsed,* Recd. 24th, Read 31st Oct. 1700. *Holograph.* ¾ p. *Enclosed,*

685. i. Memorandum of account of His Majesty's additional duty, July 17—Sept. 29, 1699. ¼ *p.*

685. ii. Memorandum of account of His Majesty's 300*l.*, appropriated for the payment of people's passages to this island, to Sept. 19th, 1700. ¼ *p.*

685. iii. Memorandum of His Majesty's account of Quit-rent, Fines, Forfeitures and Escheats, March 25th—Sept. 29th, 1699. ¼ *p.*

685. iv. Memorandum of His Majesty's account current, March 25—Sept. 29th, 1699. ¼ *p.*

685. v. Memorandum of His Majesty's account of wine licenses, March 25th—Sept. 29th, 1699. ¼ *p.*

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685. vi. Memorandum of His Majesty's account of additional duty, March 25th—July 18th, 1699. ¼ *p.*

685. vii. Memorandum of His Majesty's account of impost, March 25th—Sept. 29th, 1699. ¼ *p.* [*Board of Trade.* Jamaica, 9. *Nos.* 21, 21, i.–vii.; *and* 57. *pp.* 97–98, 103.]

Aug. 2. **686.** Minutes of Council of New York. His Excellency read to the Board the clause from the letter of the Council of Trade and Plantations, Aug. 21, 1699, relating to East New Jersey. Accounts of stores, etc., referred to a Committee.

Aug. 3. Accounts of James Wells and Jean le Chevalier referred to a Committee.

75*l.* paid to Robert Livingston for providing 400 wheelbarrows for fortifying Albany and Schenectady, and 56*l.* 15*s.* 3*d.* for 250 stocks for Indian guns to be given as a present to the Indians; also 13*l.* 5*s.* 9*d.* for provisions delivered to the Indians, July 5th, and 47*l.* 12*s.* 11*d.* for sundry disbursements to the Indians, Sept. 22nd—July 15th, and 69*l.* 3*s.* 9*d.* for sundry disbursements for the use of His Majesty's fort at Albany, Sept. 22nd—March 25th; 7*l.* 16*s.* paid for cleaning the lodgings in His Majesty's Fort William Henry.

2*l.* 5*s.* 6*d.* paid to James Wells, carpenter, for work done in the fort. 4*l.* 13*s.* 10½*d.* paid to Henry Meason, blacksmith, for work done in the fort and on the Custom-house barge. [*Board of Trade.* New York, 72. *pp.* 337–339.]

Aug. 2. **687.** Minutes of Council in Assembly of New York. Bill for regulating fences in Ulster County read the first time.

The Committee for considering the building of a fort to secure the Five Nations reported that the Representatives on the Committee did not seem to be satisfied of the necessity, offering as reasons—(1), the remoteness of the place proposed and the great difficulty of sending men and materials thither; (2), that it would be near the lake from whence the French of Canada might come by water, and if such a fort in time of war should by treachery or surprize be possessed by them, it would be of very ill consequence to the Province. If it should be supposed to be for His Majesty's service and the security of the Province that such a fortification be erected, they prayed their House might be acquainted what kind of fortification was designed; of what materials it was to be made, and how it was to be garrisoned and maintained, and that a computation of the charge of building it might be laid before their House.

His Excellency summoned the Representatives, and delivered to them his answer in writing. The necessity of building a fort was plain from the repeated pressing instances of the Five Nations expressed in all their messages to him ever since his arrival. The giving them this satisfaction, in the staggering condition they seemed at present, might well pass for an argument of necessity. If we did not humour them the French would infallibly take advantage of our supineness, and would so caress 'em as in a very short time to debauch 'em entirely from us. Let not the difficulty of building a fort frighten them; the French had taught

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them the way: their fort at Cadaracque was as remote from Canada as this intended fort could be from Albany. It was necessary to erect a fort as much in the center of the Five Nations as possible for the settlement of a good Minister or two to instruct them; for no Ministers would venture to live amongst the Indians out of a fort and English garrison to the certain hazard of their lives, especially now their poisoning was become a common way of taking away the lives of men. The proper place for the fort was to be the work of the King's engineer; but it was supposed it would be most properly built somewhere in the Onnondages' country, not only because they were in the center of the Five Nations, but also because a fort built on their land would best confront the French Fort of Cadaracque. In this point it would be proper to consult the Sachims of the Five Nations, which His Excellency would do at the coming conference. It was intended to make the fort of sod work, well ditched and pallisado'd. The cost could not reasonably be supposed to exceed 1,500*l*. The garrison proposed was 100 men with a captain and two lieutenants, paid and subsisted at the King's charge. The fort to be gunned with 24 great guns, six pounders. The Governor left the management of building the fort, so far as relates to receipts and payments, to the Representatives. The neighbouring Colonies were not in his power to induce them to a contribution of the charge that had been proposed, nor was it safe to delay till they had been asked.

Bill for preventing abuses daily committed by negro slaves sent up and read the first time.

An Act against Jesuits and Popish Priests, sent up, was read twice and committed. It was then read a third time and, being passed with amendments, was sent down to the Representatives for their assent. [*Board of Trade.* New York, 72. *pp.* 823–829.]

Aug. 5. Maryland. **688.** Copy of the bond given by Capt. Munday to appear before His Majesty in Council after his arrival in England. John Hammond and Samuel Howard of Ann Arundel County, sureties. *Endorsed,* Recd. from Mr. Secy. Vernon, Read Oct. 31, 1700. 2 *pp.* [*Board of Trade.* Maryland, 4. *No.* 9.]

Aug. 5. **689.** Copy of Governor Blakiston's warrant to Capt. Burbidge for bringing Gillibrand to England. *Endorsed as preceding.* ½ *p.* [*Board of Trade.* Maryland, 4. *No.* 10.]

Aug. $\frac{5}{16}$. Rio Esequeb. **690.** Jodocus Bate to the Directors of the Chartered West India Company at the Chamber of Zeeland. Most noble and worshipful Gentlemen, that by your Honours' special care for religion I have commenced my clerical function in Rio Essequebo, and still exercise the same under your Honours' protection as patrons of God's Church, I deem to be very great fortune; the more so as I am living in harmony with your representative in command here. But at present I find the proverb of the wisest of Kings applicable to myself, that the wrath of the King, or the supreme power, is as the messenger of death (*Proverbs,* xxi. 14.) since, as I understand from your letter to the

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Governor, you are displeased with me because the Colony is put to heavy expense not by me only, but by my family. But, noble, very worshipful gentlemen, allow me hereby to make my defence. It has never been our intention to be a burden to others. I know you have only promised me a subsidy, and I declare that I have never received anything but for my own private benefit. For eight or nine months I have had the scanty fare of one of the Company's Planters; afterwards, going to live on my own, I was provided by the Governor with a little salt food, and now and then with some game or fish. But whole weeks have passed, in which I have obtained nothing from the fort. When Capt. Nicolaes Evertz' ship arrived, we bought for ourselves at our own expense a barrel of meat, butter and flour, besides buying bread and other provisions from the natives.

Aug. 5. As for strong drink, with this I had provided myself on coming from the Fatherland, so that, until the arrival of the *Brandenburg*, I had received nothing, or at least very little, from the Company's storehouse, since the Governor, as his Honour declared, had received very little by the *Maria*. But out of the *Brandenburg* I have received about six stoops of red brandy. When the *De Jonge Jan* arrived, I got for my year's store three jugs of *mom* [*a kind of beer*], a case of brandy, some bread, cheese, butter, flour and a double anker of wine, etc., and have the promise of some spices. Your Honours can now draw your own conclusions, whether we have been a burden to the Colony. It would give me great pleasure, as I have contracted a marriage, if you would grant me alone a yearly allowance in addition to the subsidy promised me, or if you would lay down a regulation how much I, for my own person, may draw from the Company's storehouse, and if you would send me an extract from your resolution on the point. *Signed*, Jodocus Bate. Eccles. in Rio Eseqb. *P.S.* Your Honours please excuse my addressing my present letter under cover; as I suppose that my letters have sometimes not reached you. *Inscribed*, Read, Nov. 15th [*N.S.*] 1700. 2 *pp. Dutch.* [*Colonial Office Transmissions.* Berbice, 457. *No.* 3.]

Aug. 5. **691**. Minutes of Council of Massachusetts Bay. 12*l.* paid to Samuel Gill, about to undertake a journey to Canada to endeavour to obtain the liberty of his son and other captives among the Indians.

120*l.* 16*s.* 8*d.* paid to Peter Sergeant for rent for his house for 14½ months, wherein the Earl of Bellomont lodged.

Payment of John Green, Pilot of H.M.S. *Arundel* and *Advice*, ordered. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 6, 7.]

Aug. 5. **692**. Minutes of Council of New York. Commission ordered for the trial of Thomas Long and John Peats for felony.

The account of John Livingston was returned by the Committee appointed, who reported that 20*l.* 3*s.* 8½*d.* was due to him, but submitted to His Excellency whether it should be paid out of the 30 *per cent.* or the Revenue. His Excellency is of opinion that the sum accruing for charges in pursuing and taking deserters

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by virtue of an Act of Assembly, it ought to be paid out of the Revenue. Ordered accordingly.

His Excelleney laid before the Council an account of the charges expended by him in apprehending James Gillam, and in his journey to Rhode Island, and in bringing His Majesty's packet from Boston to New York, amounting to 155*l*. Payment ordered out of the Revenue. [*Board of Trade.* New York, 72. *pp.* 339, 340.]

Aug. 5. **693.** Minutes of Council in Assembly of New York. The Memorial of John Guest was read and referred to the Representatives. The Representatives returned the Bill against Jesuits assented to.

Aug. 6 Bill appointing Commissioners of the Public Accounts, sent up, was read a first and second time.

Bills for regulating fences and preventing abuses by negro slaves read a second time, and, with the preceding, referred to a Committee of the whole House; who reported—

Aug. 7. (1) That the reason for the Bill for regulating fences was not clear, and that the parties, at whose prayer it was made, should explain the consequences thereof to the Board. (2) That the Bill for preventing abuses, etc., had a clause in it, which gave greater liberty to negroes than the Law of England did to Englishmen, and would encourage them in stealing, etc., and therefore the Bill ought not to pass. (3) They proposed amendments in the Act for appointing Commissioners to state the Public Accounts. [*Board of Trade.* New York, 72. *pp.* 829–832.]

Aug. 6. Maryland. **694.** Governor Blakiston to the Council of Trade and Plantations. I transmit a duplicate of my letter of July 5. In the postscript of the said letter I acquainted your Lordships I had issued out a proclamation to apprehend the pirate King that had robbed Capt. Munday. Munday arrived in this Province about 14 days ago and entered at Pattuxent, but never made any representation to the officer there of any effects belonging to pirates on board him, and I having an account of his bringing in 300 negroes did confirm me he had been no great sufferer as he had represented to the Board. A few days ago a person came to me and told me, if I would give him a gratification, he would discover to me where I should meet with some of those pirates, which I readily embraced, being so strictly enjoined by His Majesty and your Lordships' particular commands. Two of Capt. Munday's men were found on board of his own ship, viz., Nicholas Gellebrand and Atterbury, which at first seemed a riddle to me, but upon enquiry found them as also some money and plate, of all which I have given a full account, as will appear by my deposition enclosed. I enclose also depositions of the men on board and my letter to Mr. Secretary Vernon, etc. With humble submission, by the steps I can trace, Munday seems to be more guilty then any of them. I have been very ill of a feavour, but I bless God I am much better again. I enclose some reasons, which were offered at a distance by the Assembly, for paying the levies in money, which they believe would be the best expedient

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to make money more plenty in this Province. I must confess I was under some scruple that it might abate the planting of tobacco, which I stated to the Council, and they are of different sentiments, which opinion I enclose. But notwithstanding I thought fit to transmit the proposals and humbly crave your sentiments concerning it, for I am apt to believe the next sessions of Assembly will press for it. I have often represented the great difficulty I am under to hold a Council, there being but six upon the Western Shore and some of them very infirm; the four upon the Eastern Shore are Mr. Charles Hutchens, James Fresby, Robert Smith and Mr. Francis Jenkins, who I can never get to meet but in time of the General Assembly. There are now two absent which resided on this side the Bay, Sir Thomas Lawrence, who has been absent two years in England, and without His Majesty's licence is out in course according to my Instructions; there is also Mr. Thomas Tench, who lived adjacent to this place and lately gone for England, but possibly he may return again. If your Lordships would be pleased to recommend Mr. Tho. Lawrence, the present Secretary, to His Majesty in the room of his father in the Council, it would much add to the dispatch of business, and in justice to Mr. Lawrence his deportment hitherto seems to recommend him. *Signed*, N. Blakiston. *Endorsed*, Recd. Read Oct. 18, 1700. *Holograph*. 2½ *pp. Enclosed*,

694. i. Abstract of above, with marginal comments. 1 *p.*

694. ii. Governor Blakiston to Mr. Secretary Vernon. Maryland, Aug. 6, 1700. *Describes steps which led to his finding Nicholas Gillibrand and Edward Atterbury on board Capt. Munday.* This Gillibrand is the person who has been the most active in managing the affair of surprising the sloop from King. His returning again to Capt. Munday seems to point that he had no ill design, but came directly on board Capt. Munday and surrendered the sloop to him and all that was in her. Munday was very stiff and would not own there was anything on board the sloop, but that she was drove on shore and overset in three or four days after. I directed Capt. Coode to search Munday's ship with all imaginable scrutiny, upon which there was found money and plate on board him, as appears by the enclosed account. Capt. Munday in his deposition would own nothing, but Gillibrand, the mate, gives a full account and seems to be very candid. Munday's actions seem to be more notorious than any, to receive the goods and give no account and to complain home how much a sufferer he was by being plundered, when Gillibrand affirms Munday's loss out of his cargo was not above 5*l.* There is one John Carter and Richd. Writt's deposition, who were in the service of the Royal African Company and taken by the pirate, that Capt. Munday had disposed of several sums of money that was in the sloop. I have obliged Carter and Writt to appear before your Honour, for their evidence may be of some use. Capt. Coode

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tells me Munday did behave himself very arrogantly and threatened what he would do when he came home for his taking the money from him. With humble submission I think Munday deserves to be secured more than any, except Atterbury, who went voluntarily; but I am always very tender and cautious of giving any just grounds to the merchants at home to think they have the least difficulty put upon them; for if Munday should be secured it might be a means of the ship's miscarrying; but I have made him enter into a bond of 1,000*l.* with two sufficient seeurities that upon his arrival in England he appear before His Majesty in Council. Munday in his declaration affirms now that Gillibrand was forced away with the pirates. The manner of his returning looks as if he had no intention to continue in that course of life. But what I perceive by the rest, this Edwd. Atterbury was not forced away by the pirates, but joined himself voluntarily to them. I send home Gillibrand and Atterbury in obedience to His Majesty's letter of Feb. 10, 1699. I enclose the account of the money and plate seized on board Capt. Munday. I hope there will be care taken that I be no loser in this, as I was in Turner's affair. I find by Gillibrand's deposition that this money and plate, which was on board the sloop, is thought by him to have belonged to Mr. Webb, late Governor of Providence; for King ran away with a brigantein from Philadelphia about a year ago, which belonged to Webb, and left him there. It was reported here that the brigantein had above 8,000*l.* on board her. What is become of the rest perhaps Capt. Munday is able to give the best account. *Endorsed*, Recd. Read Oct. 18, 1700. *Copy.* $3\frac{3}{4}$ *pp.*

694. iii. Copy of Deposition of Henry Munday, Commander of the *John Hopewell*. Describes his being robbed by a pirate on the coast of Guinea; how the pirate took his mate Gillibrand, and how he seized the pirate's sloop. July 27, 1700. The pirate's sloop, seized by Gillibrand, had little or nothing in her but some water-casks and barrels of Irish beef. *Endorsed as preceding.* 3 *pp.*

694. iv. Copy of Deposition of Nicholas Gillibrand, July 30, 1700. After the pirates at Cape Mounserada had rifled the *John Hopewell*, their captain gave me my choice immediately to be shot at the mast or go with them. The other seven hands of our crew, who had been detained on board the pirate, went voluntarily with him. John Sanders, a trumpeter, an Indian, was forced. Several pirates being sick and going on shore at the Isle of Annabo, deponent consulted with one John Carter and Francis Brown, and Moses Right, negroes, and presenting a pistol to the pirate captain's breast, put him and his men ashore and sailed away with their

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sloop to Angola. where he joined the *John Hopewell*, Feb. 5. Capt. Munday, Capt. Clay of the *Fortune* and Capt. Prince of London came aboard and searched the sloop. We found 300*l.* in coined silver, 12 pound weight in wrought plate. *Other items enumerated*, which Capt. Munday took in his keeping. Capt. Clay took Brown with him by force and Capt. Prince the other man. I inspected to know how the pirate, whose name was King, might come by this plate, etc. ; and found it belonged to the Governor of Providence. At the end of April, having a violent gale the sloop was overset as she rid at anchor. The goods taken out of the *John Hopewell* were provisions, arms and liquor ; the India goods taken did not exceed 5*l.* in value. *Same endorsement.* $2\frac{3}{4}$ *pp.*

694. v. Copy of Deposition of Edward Atterbury. July 28, 1700, as to the same affair. The pirates took him by force from the *Hopewell*. He afterwards saw Munday take some bags of money that had been in King's chest on board the *Hopewell*. *Same endorsement.* 1 *p.*

694. vi. Copy of Deposition of John Carter and Richd. Writt, mariners, Aug. 1, 1700, who, in Sep., 1699, were compelled to join Henry King, the pirate. *Corroborates preceding narratives.* Capt. Munday sold and disposed of goods which deponents told him belonged to the African Company, and gutted the sloop. *Same endorsement.* 2 *pp.*

694. vii. Copy of Governor Blakiston's deposition as to the pirates' effects found in Capt. Munday's ship. Aug. 5, 1700. *Same endorsement.* 1 *p.*

694. viii. Copy of Reasons offered by the Assembly of Maryland for paying the public levies for the future in money and not in tobacco. July, 1700. It would make money of general use and cause our beginning trade in markets to increase by a oftner returns, being at present only according to a crop once a year, etc. *Same endorsement.* 2 *pp.*

694. ix. Copy of Minute of Council of Maryland, July 18, 1700. The Council is of opinion that the above proposal of the Assembly would not occasion any less tobacco to be grown than before. 1 *p.* [*Board of Trade.* Maryland, 4. *Nos.* 8, 8.i.–ix. ; *and* (*without enclosures*) 9. *pp.* 536–552.]

Aug. 6. Whitehall. **695.** William Popple to Sir Thomas Trevor, enclosing, for his opinion in point of law, Acts of Barbados passed in the General Assembly, Jan., Feb., March $\frac{1699}{1700}$. *Annexed,*

695. i. List of Acts referred to above. [*Board of Trade.* Barbados, 45. *pp.* 102, 103.]

Aug. 6. **696.** Minutes of Council in Assembly of Barbados. The Governor of Martinico's letter, July 13, in answer to His

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Excellency, relating to the French having settled themselves at Sta. Lucy, was read. The Board advised that copies thereof be sent home to one of His Majesty's Principal Secretaries of State, and that His Excellency proceed no further in this matter till His Majesty's further pleasure be known.

Letter from the Lords of the Council of Trade, April 8th, 1700, relating to Col. Robert Bishop's being removed by the Council from the office of Chief Judge of the Court of Common Pleas for St. Michael, St. George and St. John, together with the petition of Dorothy Bishop and the Order in Council thereupon, read.

Ordered that the Honble. Lt. General Farmer, George Lillington, and George Andrews, or any two of them, be a Committee to examine into the proceedings of Col. Stede, in ascerta[*in*]ing His Majesty's right relating to the island Sta. Lucy, in order to be transmitted to the Secretary of State, and likewise to be a Committee with full powers to enquire and to report for what reasons Col. Robert Bishop was removed from office.

Salary of Jos. Welgrove, Montross of Willoughby Fort, ordered to be paid.

25*l.* paid Tobias Frere, for a negro, who was executed for running away from him.

23*l.* paid John Adams for a negro, who was executed for stealing and absenting himself from Adams' service.

Salary paid to James Mashart, Clerk to the Committee of Public Accounts.

William Cole paid 25*l.* for a negro, who was executed.

Tho. Maycock paid 25*l.* for a negro woman, who was executed for poisoning him, and 23*l.* 10*s.* for a negro, who was executed for felony.

Lt. Col. Christopher Warren and Lt. Col. Henry Applewaite paid 20*l.* for a negro, who was executed for stealing.

George Church paid 5*l.* for a negro, who was xecuted for murdering a negro woman belonging to Major Mathias Lake.

William Martindale paid 50*l.* for two negroes, who were executed for attempting to poison him.

Salaries paid to John Thomas, Chief Gunner of Orange Fort, and several mattrosses.

Salary paid to Christopher Berrow, Gunner of Rupert's Fort and the Battery on Thompson's Rock, and two mattrosses.

Walter Caddell paid 45*l.* 15*s.* 6*d.* for several entertainments of the Commissioners for the Leeward fortifications; also his salary and that of 4 mattrosses for their attendance at Denmark Fort.

Ordered that all petitions relating to the country's servants, placed by several of the Collectors on the petitioners, wherein they suppose themselves aggrieved, be heard next Council day of Course. Notice to be given thereof at the most public places in the Bridge Town. *Entered in Council Book,*

696. i. Letter of the Governor of Martinico to Governor Grey. Martinico, July 13, 1700. I have been astonished to see in yours of June 25th that you believe that the King of Great Britain has any rights upon the island of Sta. Lucy, and I have to tell you about this

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that the said island belongs lawfully and in all propriety to the King my master, since his subjects are settled in these islands of America, and therefore that His Majesty of Great Britain has absolutely no right on it upon that ground. You may reckon that I shall not cause to depart from the island the subjects of the King my master, which have been there since a great while, and to the contrary that I shall maintain them against all these that would undertake to trouble 'em; besides, if there is anything done by you or by the people under your command, any enterprise in Sta. Lucy, I shall look upon it as a breach on your side to the last Treaty of Peace, and as an act of Hostility that you shall have done, to the which I shall oppose myself with all the forces that are under my command, if occasion be, of which I shall ask reparation against you, as an act that you ought to answerable according to the conventions of the last Treaty of Peace, and the laws established by the Laws of Nations there is what I had to let you know you shall take such party as will be convenient for you people is not much troubled of the disagreeable wayes in which you speak to me, and of which you threaten to make use of, that might only be for those that would attempt any enterprise against the subjects of the King my master, who are in the said island of St. Lucy, whome I pray you to let 'em live in peace, without doing them any trouble, if you are willing that I may be Your most humble and most obedient servant. *Signed*, Le Marquis D'Amblimont. [*Board of Trade*. Barbados, 65. *pp.* 525–530.]

Aug. 6. **697**. Journal of Council of Trade and Plantations. Letter from Mr. Cary, signifying that he is no longer Agent for Nevis and that another person has been lately appointed for that service, read. Ordered that the Secretary write to him to enquire the name of the person so appointed.

Letter from Mr. Grey, June 15th, read, and the papers enclosed were laid before the Board. The Acts of Barbadoes, Jan., Feb., March, $\frac{1699}{1700}$ ordered to be sent to Mr. Attorney General. Further progress made in considering the Acts of New York. But not being able to go through therewith, for want of the objections which Mr. Montague the Solicitor has desired to dispatch [*sic*] what he has to offer on that subject, or if he cannot perfect it immediately, that at least he send the titles of the Acts against which he intends to offer his objections.

Aug. 7. Their Lordships taking into consideration some heads of Col. Nicholson's letter, June 10th, ordered that Mr. Perry be desired to call here at his first conveniency. In reference to the pirates now sent over, a list of the papers relating thereunto was sent to be shewn to the Secretary of the Admiralty. Answer returned that they had duplicates of them.

Letter received from Mr. Cary, signifying that Col. Joseph

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Jory is appointed agent for Nevis. Ordered that notice be given him that their Lordships desire to speak with him. [*Board of Trade.* Journal, 13. *pp.* 142–145; *and* 97. *Nos.* 135, 136.]

Aug. 7. **698.** Attorney General to the Council of Trade and Plantations. I have considered the Acts passed in the General Assembly of Barbados, April 18 [*? Aug.* 2]–Oct. 17, 1699, and find nothing is contained in them contrary to law or prejudicial to His Majesty's Royal prerogative. *Signed*, Tho. Trevor. *Endorsed*, Recd. 29th Oct., Read 14th Nov., 1700. 1 *p.* [*Board of Trade.* Barbados, 8. *No.* 59; *and* 45. *pp.* 131, 132.]

Aug. 7. **699.** Richard Savage to Wm. Popple. I have laid before the Commissioners of His Majesty's Customs your letter of July 19th to Mr. Sansom, concerning the Collector's place in Bermuda. I am to acquaint you, in his absence, that by letters formerly received from Mr. Randolph they were advised that Mr. Day had refused to admit Mr. Saml. Spofforth upon his nomination to act in the collection of the Customs at Bermuda, and had intrusted that collection in the hand of Mr. Thomas Brookes. But for the clause you mention to have been constantly the same in the Commissions given to the Governors of all His Majesty's Plantations for impowering them to nominate and appoint Custom-houses, ware-houses and officers relating thereunto and them to alter, change, place or displace from time to time with the advice and consent of the Council, the Commissioners conceive that to relate to the Customs and Country duties raised for the support of the Government, and not the duties imposed by the Act for the encouragement of the Eastland and Greenland Trades and better securing the Plantation Trade, 25 Car. 2, because that clause was in those Commissions several years before the making of that law. And moreover those duties are thereby ordered to be collected and paid at such places and to such Collectors and other officers as shall be appointed in the respective Plantations by the Commissioners of the Customs in England by and under the authority of the Lords Commissioners of the Treasury. Nevertheless the Commissioners have thought it advisable that the Governors should be empowered by an article in their Instructions to employ fit persons upon the death or removal of any of the officers until such persons should be approved of here or others nominated from hence. And though the Commissioners did incline for the good character which Mr. Randolph gave of the aforesaid Mr. Spofferth to present him for the Collection of the Customs in Bermuda, yet upon a late letter from the said Brookes, wherein he gave them an account of the condemnation of two vessels and one of their ladings, whereof His Majesty's ¼ part amounted to 210*l.* 15*s.* 4*d.*, which his brother and Mr. Wm. Brookes, a merchant of good credit in this city, hath deposited in the hands of the Receiver General and Cashier of the Customs here, who offered likewise to be his security for what he should further receive in the collection and otherwise, and upon some other particular recommendation, the Commission did lately present the said Mr. Thomas Brookes for the Collection of the

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Customs in Bermuda, and the Treasury have approved of him. *Signed*, Richd. Savage. *Endorsed*, Recd. Read 8th Aug., 1700. *Addressed.* 2 *pp.* [*Board of Trade.* Bermuda, 4. *No* 38; *and* 30. *pp.* 42–44.]

Aug. 7. Chancery Lane. **700.** John Montagu to William Popple. I am making all the dispatch I can to put into writing what I have to offer against the New York Acts. I believe I shall not particularly object to any but these three ;—that for a present to the Governor and his Lieutenant, that for committing Ebenezer Wilson and Samuel Burt, and that for annulling grants, etc. *Signed*, Joh. Montagu. *Endorsed*, Reed. 7th. Read 8th Aug. 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 22.]

Aug. 7. **701.** Minutes of Council of Massachusetts Bay. George Tohanto, one of the Pennecook Sagamores, accompanied with some other Indians, attended in obedience to His Excellency's warrant directed unto him and Wattanuman, who, as George informed, was gone out into the woods a hunting before the receipt of the said warrants. Examined as to the report of his intentions to make war upon the Mohegan Indians, Tohanto said he was abused therein, having no such purpose, nor did pretend himself to be anyways injured by them, but alleged that the Wabaquasits, or New Roxbury Indians, lately come to reside at Pennecook, designing to stir up a quarrel betwixt the Pennecooks and Mohegans by lying insinuations to one and the other of them, endeavoured to set them at variance. The Wabaquasits were very unruly. He was told by the Lieut. Governor that he ought not to entertain them without the leave of the Government, nor should they have removed from their own Plantation. Whereupon he promised to dismiss them, and that he would not attempt anything against the Mohegans, but continue in peace with all the King's subjects, being admonished that if at any time he should apprehend himself injured by any of the English or Indians, he must make his application to the Government for redress, and not take any private revenge, for they were all the King's subjects ; but in case he should act otherwise, the Government would interpose and repress such disorderly practices ; and if any of the Wabaquassits or other Indians at Pennecooke should be unruly or misbehave themselves, that he then cause them to be apprehended and carried before Major Tyng, one of His Majesty's Justices of the Peace, to be proceeded against according to law.

Licence granted to Edward Brattle to creet a dwelling house of timber upon his land lying on the backside Thaddeus Mackarty's, near the new Meeting-house in Boston, provided he slate or tile the roof and rough east the sides.

Licence granted to Edward Boylstone to make a timber addition to his brick-house in Prison-Lane, Boston, provided he slate or tile the roof and rough east the sides and ends.

Licence granted to Mary Smith to build a lean-to of timber on the backside of a brick house she is now building over against the dwelling of Col. Hutchinson in Boston, with the same proviso.

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Licence granted to Richard Honnywell to erect an addition of timber to his house, standing in a lane from the back street to Madam Richards' at the North end of Boston.

Aug. 8. Proclamation ordered proroguing the Assembly to September 25th.

Col. Phillips praying to be excused from going eastwards, ordered that Major James Converse, with the assistance of Capt. Cyprian Southack, Commander of the *Province Gally*, manage the affair of erecting a trading-house at Cascobay. Major Converse presented a memorial of what is necessary to be provided for that purpose. Treasurer ordered to provide accordingly.

Carpenters and masons employed there to be paid 50*s.* per month. A detachment of 60 soldiers from the Militia of Plymouth, Barnstable and Bristol, to attend that service, and to be allowed for their labour. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 7–10.]

Aug. 7. **702.** Minutes of Council of New York. Payment ordered to John Allen and John Reynolds, sawyers, for work done by them in Fort William Henry, eight days at 4*s.* 6*d.* per diem each.

4*l.* 7*s.* 9*d.* paid to Col. William Smith for sundries given by him to the Indians of Nassau Island for services to this Government. Col. William Smith, Chief Justice of this Province, acquainted this Board that all the time he was commissioned to be Chief Justice, he was told that in consideration that his salary was so small that he was not therewith enabled to defray the charge of going the circuit and pay such other attendance, as is expected from one in his station, he should be allowed his charges out of the Revenue ; that during the Government of Col. Fletcher, the Second Justice of this Province, who had 100*l.* per annum salary, performed the said service, but that almost ever since the arrival of Lord Bellomont he hath for want of a second Justice been obliged to perform the service of both, to his great charge and trouble. He prays His Excellency and Council to allow him some part of the second Justice's salary that has been saved. 40*l.* granted towards his expenses.

12*l.* each paid to Garrit Luykass, Hendrick Rooseboom and Nicholas Bleeker, and 15*l.* to Jan Baptist van Epe, interpreter, for their journeys to the Indians at Onnondage with Col. Peter Schuyler, Robt. Livingston, Hendrick Hansen and others on account of the Government ; and 93*l.* 15*s.* 8*d.* to Robt. Livingston, and 25*l.* 16*s.* 4½*d.* to Hendrick Hansen for charges for the said expedition.

12*l.* 6*s.* paid to Cornelius Depeyster and Gerrit Blanker for work done by James Wells and Clement Elsworth, carpenters, in Fort William Henry.

Aug. 8. 32*l.* 10*s.* paid to Hendrick Hansen for providing firewood for His Majesty's Fort at Albany.

Aug. 9. Ryer Schermerhoorn's account referred to a Committee.

15*l.* paid to Abraham Governeur, Speaker of the House of Representatives, for services done by him during the sitting of the Assembly prorogued to-day.

50*l.* paid to Dyrk Vandenburgh, bricklayer, for plastering and finishing the new lodgings in the Fort.

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25*l.* each paid to Col. Peter Schuyler and Hendrick Hansen for their journey to the Indians at Onnondage.

9*l.* 5*s.* paid to Ryer Schermerhoorn for passage of soldiers and Indians, etc., at and since His Excellency's expedition to Albany, June, 1698.

His Excellency acquainted the Board that the *Fortune*, having been condemned in the Court of Admiralty here for being foreign built and consequently useless to everybody in point of trade, he had thought fit, that she might not be totally lost to His Majesty, to send her for England, loaden with ship timber for the use of His Majesty's Navy, and he desired the Council to appoint fit persons to equip her for the voyage. Col. Abraham Depeyster, Samuel Staats and Robert Walter appointed accordingly; the charges to be allowed out of His Majesty's Revenue here; His Excellency promising to use his best endeavours that the same may be repaid to the Revenue here from England. [*Board of Trade.* New York, 72. *pp.* 340–344.]

Aug. 8. **703.** Minutes of Council in Assembly of New York. Bill for the better payment of the Representatives, sent up, was read twice and committed.

An Act for the better securing the Five Nations in their fidelity to His Majesty, sent up, was read twice and committed.

An Act for reviving such actions and suits as were discontinued in the late Superior Court, and an Act for the confirmation of a patent granted by William Keift, late Dutch Governor of this Province, to Mathias Hansen, late of Ulster County, decd., and the confirmation thereof by Richard Nicolls, late Governor of this Province, to the co-heirs of the said Mathias J. Jansen (*sic*), sent up.

Bill appointing Commissioners to state the Public Accounts read a third time, passed with amendments, and sent down.

Aug. 9. The Representatives returned the last mentioned Bill with their assent.

The Council considered that the money granted by the Bill for securing the Five Nations will not extend to defray the charge of the intended fortification; and that the manner of raising the same will be pernicious to the trade of the Province and destructive to His Majesty's established revenue, especially of such branches thereof as this new additional duty is charged on; yet they considering the great importance of giving satisfaction to the Indians, that it is the intention of the General Assembly that a Fort be erected at the public charge for their security, for that reason only and to comply with the present necessity, advise His Excellency to pass the same, but that it be done under the protestation of what ill consequence the manner of raising this money may be to the Province, until His Majesty's pleasure be known therein, or that some expedient be found to supply the defects of the Bill. His Excellency approved of this report, and the Bill was read a third time and passed. His Excellency signed and enacted the Bills against Jesuits, appointing Commissioners of Accounts, and for the better securing of the Indians. The Representatives attending, His Excellency acquainted them with what Acts he had passed and the protest of the Council

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with regard to the last. He joined with the Council in opinion that it would be destructive to the Trade and Revenue of the Province; and said that they had in a strange manner demonstrated their affection and loyalty to His Majesty. He thought it fit, however, as the present circumstances required, to pass the Bill and to prorogue the Assembly to the first day of October. [*Board of Trade.* New York, 72. *pp.* 832–836.]

Aug. 8. James City.

704. Minutes of Council of Virginia. His Excellency laid before the Council His Majesty's letter, March 18th, recommending the French Protestant Refugees. The Council, upon consideration that there is no such land in Norfolk County as was represented for their settlement there, and the land in those parts not as yet actually seated lying in dispute betwixt Virginia and the Proprietaries of Carolina, unanimously ordered that the Refugees be seated upon James River at Mannikin Town, which is about 20 miles above the falls, where the land is very good, a fertile soil, wholly in His Majesty's grant and without any other pretentions, as the most proper place for the advancement of His Majesty's service and the interests and safety of this Colony. The further care and management whereof, for their assistance in settling, recommended to Mr. Auditor Byrd and Mr. Benjamin Harrison, Senior.

His Excellency announced that the French Refugees arrived July 23. He immediately went down to Hampton Town and had a muster-roll taken. They were 108 men, 59 women and 38 children, besides the Marquis de la Muce and M. de Sailly.

Ordered that it be recommended to the Committee appointed to revise the Laws to consider of the most proper method to be used for the nationalisation, settlement and civil government of the French Refugees.

His Excellency laid before the Board the Letter of the Lords Commissioners of Trade, April 12, recommending the Refugees and signifying his Majesty's pleasure in approving of a meeting to be held between His Excellency and Col. Blackiston with His Excellency the Earl of Bellomont, to consult about the opening a new Trade with some Western Indians.

His Excellency said that, pursuant to these instructions, he had written to the Governor of Maryland intimating that he would attend him about ye ninth or tenth of Sept., to meet with the Governor of Pennsylvania about ye middle of the aforesaid month, in order to their meeting with His Excellency the Earl of Bellamont at New York, Sept. 21st or 22nd.

His Excellency laid before the Council a letter from Capt. Passenger, July 29th, stating that M. de Sailly and some of the French Refugees have a quarter part of the *Mary Anne*, Capt. George Haws, Commander. Prosecution ordered in Court of Admiralty.

Ordered that in future, upon the condemnation of any ship in the Court of Admiralty, the marshal immediately take her into his possession, and render an account of her condemnation together with an inventory of her lading, guns, ammunition, tackle and

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furniture to Mr. Auditor Byrd, that such proceeding may be thereupon had as shall be agreeable to law.

The petition of George Sleycomb, master and owner of the sloop *Slowfeild*, representing that he lately came from Annapolis in Maryland, with a permit from William Taylor, Dep. Collector there, but that for want of a register, his sloop was here seized by Capt. William Passenger and condemned and forfeited in the Court of Admiralty, and praying for clemency and the remission of fines and forfeitures aforesaid, granted in consideration of his distressed condition.

His Majesty's Order in Council, Feb. 16, 1699, referring to the naturalisation, etc., of aliens, referred to the Committee for revising the laws.

In consideration of the case of John Harwood, Master of a ship, who was forced into York River (Va.) for wood and water and thence carried off George Stoakes a carpenter to England, it was recommended to the Committee for the Revisal of the Laws, that for the future masters of vessels, driven in by stress of weather, or for wood or water, be enforced to give bond to perform the Laws of the Country.

In the absence of several members of the Council other matters were referred to a fuller Council.

The precedents for issuing writs for election of burgesses upon prorogation, in case any should be dead or otherwise removed, were laid before the Council.

Mr. Benjamin Harrison ordered to deliver to Dionisius Wright, Clerk of the Council, a list of the papers, etc. belonging to the Council Office. The next General Court being about to be held in Oct. at His Majesty's Royal College of William and Mary, near to the city of Williamsburgh, and most of the houses for reception being in the county of York, where the Sherif of James City County hath no jurisdiction, the Attorney General and Mr. Benjamin Harrison ordered to consider which method is most proper to prevent delay of Justice for want of jurors.

On the petition of Joshua Broadbent for a license to keep Ferry at Tindol's Point over York River, the question of keeping of ferry was referred to the Committee for Revising the Laws. [*Board of Trade.* Virginia, 55. *pp.* 3–9 ; *and* (*duplicate of greater portion*) 53. *pp.* 303–307.]

[? Aug. 8.] **705**. Attorney and Solicitor General to the Council of Trade and Plantations. Upon perusal of their Excellencies the Lords Justices' letter to the President and Council of Nevis, Sep. 29, 1698, and a copy of a Commission granted by His Majesty to Col. Fox, Nov. 15, 1699, we are humbly of opinion that the powers and authorities given by the Lords Justices to the President and Council of Nevis were determined by the Commission to Col. Fox upon the arrival of Col. Fox there, and publication of his Commission, and we conceive he might, upon his coming there before Col. Codrington, by virtue of his Commission dispossess the President and Council and assume to himself that Government until the arrival of Col. Codrington there. *Signed*, Tho. Trevor, Jo. Hawles. *Endorsed*, Recd. 8th, Read 9th Aug., 1700.

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¾ *p.* [*Board of Trade.* Leeward Islands, 6. *No.* 77; *and* 46. *pp.* 68, 69.]

Aug. 8. **706.** Journal of Council of Trade and Plantations. Col. Jory attending said he had heard from Nevis that he had been appointed Agent for that Island, but had not yet received the powers that may authorise him to act in that capacity.

Letter from Mr. Montague, signifying against which of the New York Acts he intends to offer objections, read.

Letter from Mr. Savage, Aug. 7th, in answer to one writ Mr. Sansom July 19th, relating to the Collector's place in Bermuda and the right of appointing Collectors in all His Majesty's Plantations, read.

Mr. Solicitor General's report upon the Acts past in the General Assembly of Antegoa, 1696, 1697, read. Several of the Acts read and considered.

Aug. 9. Mr. Attorney and Mr. Solicitor General's answer to the queries sent them, July 4th, relating to Col. Fox's assuming the Government of the Leeward Islands, received and read.

Mr. Perry, attending as desired, and being asked his opinion about the usefulness of the late Act against the bringing of bulk tobacco from the Plantations, he said that the importation of such bulk tobacco is an occasion of very great frauds, which ought to be prevented, and that the most effectual way in his opinion would be by a clause to oblige masters of ships to make an exact report of their lading there, before they come away, and to make the very same entry of their ships upon their arrival here. Their Lordships further enquired of him into the characters of several persons recommended by the Governor of Virginia, to supply vacancies in that Council, and thereupon directed a Representation to be drawn that Mr. Lewis Burwell may be constituted a member of the said Council.

Letter from Col. Blakiston, March 24th, was now received and read.

Letter from Col. Quary of June 5, relating to the Pirates effects seized by him and sent by order of Mr. Secretary Vernon to the Earl of Bellomont, received and read. Directions thereupon given for preparing a letter to him in answer to that and others lately received from him.

A paper received from Mr. Crown, setting forth his title to Penobscot and other lands adjacent, was read.

Their Lordships made further progress in considering the Acts of the General Assembly of Antego. [*Board of Trade.* Journal, 13. *pp.* 145–148; *and* 97. *Nos.* 137, 138.]

Aug. 9. **707.** John Crowne's title to Penobscot and other lands adjacent. All the right and title of William Crowne (*given at length. See Cal. A. and W. I.*, 1699.) is deseended to John Crowne, his eldest son and heir, who now humbly petitions for restoration. *Concludes:* No subject of England, except Sir William Alexander, Sir Claud and Sir Charles de Ste. Estienne, Sir Thomas Temple and William Crowne, ever laid claim to Nova Scotia from the first discovery of it, which was about 1610, to

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the present year. So that besides what right their heirs have from the Great Seal of Scotland, they have also all the title which can be derived from a long possession time out of mind. 4½ *pp. Endorsed*, Recd. 8th, Read 9th May, 1700. [*Board of Trade.* New England, 11. *No.* 1; *and* 38. *pp.* 93–100.]

Aug. 9. **708.** Solicitor General to the Council of Trade and Plantations. I have considered the Act for prohibiting the exportation of money and bullion, passed in the General Assembly of Massachusetts Bay, May 26, 1697, which I humbly conceive is agreeable to law, but having heard Mr. Brenton in behalf of the Commissioners of the Customs, who affirms that the Act will be very prejudicial to the Trade of England, unless there be a clause for excepting the exportation of money and bullion in order to be imported into England, therefore how far it is fit to confirm the said Act is humbly submitted to your Lordships' judgment. *Signed*, Jo. Hawles. *Endorsed*, Recd. 12th, Read 20th Aug., 1700. ¾ *p.* [*Board of Trade.* New England, 11. *No.* 2; *and* 38. *p.* 178.]

Aug. 9. **709.** Solicitor General to the Council of Trade and Plantations. I have considered the Acts of Massachusetts Bay, May 25, 1698, which I conceive are agreeable to law and contain nothing prejudicial to His Majesty's royal prerogative; except that: (i) in the Act for establishing precedents and forms of writs and processes in civil Courts, the form of an attachment for reviewing, etc., seems very extravagant, as where *A* had recovered judgment against *B*, and *B* prays a review, the Sherif is thereby commanded to arrest *A*, and to have him forthcoming before the Judges, even before the judgment given for him is reversed, which I think is very incongruous. (ii.) Against confirming the Act establishing Sea-ports within this Province, and for ascertaining the fees for entering and clearing vessels inward and outward bound, Mr. Brenton hath appeared before me on behalf of the Commissioners of the Customs, who affirms that several of the ports thereby established have not one vessel belonging to them, nor have for several years past had any vessels unladen there, except such as came privately and imported prohibited goods and that two or three ports are sufficient for that Province. I conceive that what is meant by the enumerated commodities mentioned in the first enacting clause for shipping or unlading, of which some of the places therein mentioned were not to be ports, ought to be more particularly expressed. *Signed*, Jo. Hawles. *Endorsed* Recd. 12th, Read 20th Aug., 1700. 3 *pp.* [*Board of Trade.* New England, 11. *No.* 3; *and* 38. *pp.* 179–183.]

Aug. 9. **710.** Solicitor General to the Council of Trade and Plantations. I have considered the Laws of Massachusetts Bay, May 25, 1698, *enumerated*, which I humbly conceive are agreeable to law and justice, and contain nothing prejudicial to His Majesty's Royal prerogative. But as to the Act for discontinueing the duties of impost granted the same session and for granting of other duties of impost instead, not having seen the Act intended to be

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repealed, I am not able to give any opinion how far it is fit to confirm the said Act. I have also considered the Act for hearing and determining cases in equity, and am doubtful how far the matter of this Act was contained in former Acts of 1693 and 1694, which have been repealed by His Majesty. Otherwise I can see no objection to it. *Signed*, Jo. Hawles. 2½ *pp. Endorsed*, Recd. 12th, Read 22nd Aug., 1700. [*Board of Trade.* New England, 11. *No.* 4; *and* 38. *pp.* 183–186.]

Aug. 9. **711.** Solicitor General to the Council of Trade and Plantations. I have considered the Laws passed in the General Assembly of Massachusetts Bay, May 31st, 1699, *enumerated*, which I conceive are agreeable to law and justice, and contain nothing prejudicial to His Majesty's royal prerogative. But as to the Act for establishing inferior Courts and the Act for establishing a Superior Court, etc., which in the main seem reasonable, whether the power of nominating the Chief and other Justices of the said Courts ought not to be reserved to His Majesty, is humbly submitted to your Lordships' great wisdom, the said Acts saying that Justices shall be appointed, without mentioning by whom. As to the Act for regulating and directing the proceedings in the Courts of Justice, the first clause, giving liberty of appeal from the inferior Court of Common Pleas to the Superior Court, seems to allow, after an appeal to the Superior Court and after Judgment given by the Superior Court or before Judgment so given, power to the inferior Court, which gave the first Judgment, to review the case again, which is very incongruous, and there is nothing like it practised here in England. The said clause likewise says that in case either party shall obtain three Judgments, then the matter to be finally determined, saving that there is a liberty allowed to appeal to the King in Council. I humbly conceive it is not for the public good that a matter should be so often contested before it be conclusive, twice or thrice at the most being all that is allowed by law here in England. The last clause of the said Act makes the ceremony of the oath to be taken by the Justices, Jurors and witnesses to be only lifting up the hand, which differs from what is required by the laws here in England. But all other matters, I think the said Act is reasonable and fit, in case His Majesty shall be pleased to confirm the two Acts before-mentioned, for establishing Courts, etc., to be likewise confirmed by His Majesty. As to the Act for applying 1,000*l.*, part of the tax upon polls and estates granted to His Majesty by this Court, unto the use of His Excellency Richard, Earl of Bellamont, and there being a resolution taken and an order settled by His Majesty in Council as to all the Acts of the Plantations of that nature, as I remember, I do not think it proper for me to give any opinion therein. As to the Act to enable Samson Searle, son of Daniel Searle, formerly of Barbados, Esqre. decd., and Jonathan Tyng, Esq., son and heir of Edward Tyng, Esq., to sell a house and land in Boston, no person having been with me to give me satisfaction as to the matters suggested in the said Act, I am not able to give any opinion how far it is fit to confirm it. *Signed*, Jo. Hawles. *Endorsed as preceding.* 3 *pp.* [*Board of Trade.* New England, 11. *No.* 5; *and* 38. *pp.* 186–192.]

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Aug. 9. **712.** Solicitor General to the Council of Trade and Plantations. I have considered the laws passed in the General Assembly of Massachusetts Bay, May 31st, 1699—March 13th, 1700, *enumerated*, which I humbly conceive are agreeable to law and justice and doe not contain anything prejudicial to His Majesty's royal prerogative. As to the Act to repeal one part of an Act of May 25th, 1698, entitled an Act for establishing precedents, etc., and for making other provision instead thereof, I think it is not inconvenient. As to the Act empowering Joan Papillio to sell land belonging to the estate of Peter Papillio, late of Bristol, decd., no person having been with me to give me satisfaction as to the matter suggested, I am not able to give any opinion how far it is fit to confirm it. *Signed*, Jo. Hawles. *Endorsed*, Recd. 12th, Read 23rd, Aug., 1700. $1\frac{3}{4}$ *pp.* [*Board of Trade.* New England, 11. *No.* 6 ; *and* 38. *pp.* 192–195.]

Aug. 9. **713.** Solicitor General to the Council of Trade and Plantations. I have considered the Acts passed in the General Assembly of New Hampshire, Aug. 7th, 1699. As to the Act for returning able and sufficient jurors and regulating the election of Representatives, I conceive it is agreeable to law and justice and doe not contain anything prejudicial to His Majesty's royal prerogative. As to the Act for restraining and punishing privateers, I humbly certify that by an Act made here in England the last Session of Parliament, all piracies, etc., committed in or upon the sea or any place where the Admiral hath jurisdiction is to be tried at sea or upon the land in any of His Majesty's Islands, Plantations, Colonies, etc., appointed for that purpose by Commission under the Great Seal or Seal of the Admiralty, and the Act now proposed gives power to the Superior Court of Judicature therein mentioned to try such affairs in that Province, which is inconsistent with the said Act of Parliament, and therefore I think it ought not to be confirmed. As to the Act for continuing several rates and duties, I see no objection in case the Act for defraying the public charge of the Province and the Acts for continuing the same have been already confirmed. As to the Act for establishing Courts of Publick Justice, the design in the main I think is very reasonable, but whether it be fit to vest a power in the Governor for constituting the Chief Justice and other Justices of the Courts, is humbly submitted to your Lordships. As to the Act for appropriating 500*l.* to the Governor, I do not think it proper for me to give any opinion. *Signed*, Jo. Hawles. *Endorsed*, Recd. 12th, Read 27 Aug., 1700. 2 *pp.* [*Board of Trade.* New England, 11. *No.* 7 : *and* 38. *pp.* 195–198.]

Aug. 9. **714.** Solicitor General to the Council of Trade and Plantations. I have considered the Act passed in the General Assembly of New Hampshire, Nov. 21st, 1699, for raising 460*l.* for defraying the public charges, which I conceive is agreeable to law and justice and containeth nothing prejudicial to His Majesty's royal prerogative. *Signed*, Jo. Hawles. *Endorsed*, Recd. 12, Read 27, Aug., 1700. $\frac{3}{4}$ *p.* [*Board of Trade.* New England, 11. *No.* 8 ; *and* 38. *p.* 199.]

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Aug. $\frac{9}{20}$. Fort Kyck Overal, Rio Issequibe.

715. Samuel Beeckman to the Directors of the Dutch West India Company, Middelburgh. Most Worshipful Gentlemen. By the *De Yonge Jan* we received, besides the cargo and provisions, July 8th (*N.S.*) your esteemed letter and enclosures, dated April 19th (*N.S.*) from Middelburgh. We accordingly did all we could to hasten her unloading and departure. We have, moreover, noticed with pleasure the approval your Honours have been pleased to bestow upon our letter of Aug. 3rd (*N.S.*) last year, concerning the work undertaken with respect to clearing the remarkably fine sugar plantations, as also the hope which your Honours had to entertain from it, to relieve the heavy expense incurred and yet to be incurred. We cannot yet think that it will be idle and in vain, if only the number of slaves demanded be sent to us in time. Our success is greater and quicker [*? than could have been*] expected, and, in order to have been able to give some proof of the progress made, we had rather hoped for two bottoms than one, to ship the sugar we and the free inhabitants have ready and on the fields. This deficiency will be somewhat troublesome to us. [*We are glad to learn*] that it has pleased your worships that we granted to Jan de Heere and *Father Jacobus* [*or*] Jacobus Pape two head [*sic*] of slaves each, and, according to custom, have allowed each to choose a tract of land, but [*? have*] not assigned [*? it*], to cause no ingratitude or annoyance. What you say further in consideration of it, is particularly pleasing to us, and we shall therefore constantly conduct ourselves accordingly. Your approbation of our removal of the Company's Plantation De Hoop, and of the reasons we gave for so doing, inspires us the more to labour the more, even beyond the mere fulfilment of our prescribed duty, to promote the Company's interests and to continue the planting of cocoa with the utmost industry, according to our ability, not needing an example of those in Berbice for our guidance, if the Lord would only bless our plantation, we intend in time to give satisfaction in the matter you recommend. But as to setting the Indians to plant indigo, sarsaparilla, ginger, cotton, etc., supposing this could be done without prejudice to the supply of "oriaane" to this [*we*] must reply that, to our great regret, we have already used all our endeavours in that direction, but there is no hope of success. And we have already spared no efforts in the attempt to grow coffee, but hitherto without succeeding. If,however, we were provided with a proper plantation [*? set of young trees*], as Dr. Helvetius promised me before starting hither, we would further apply ourselves to this matter. We are cordially grateful for the supplies you have sent us, and for your future care in this matter. As to the reverend clergyman, we agree with your honours' opinion that, for his popularity, he is not to be treated in an extraordinary manner, but as an honest man of his kind, and, as you are pleased to say, especially now that there is not the smallest occasion for him to live in the Fort. We also notice that you have come to an agreement with Messrs. Sanders and Rademaeker, about the supply of salt. We shall look out for an opportunity (which to all appearances will never occur here) to house [*or ? acquire*, Op te slaan ?] the pigs

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demanded before in exchange or in purchase, and set our minds at rest about the prudence of Your Honours' further decision concerning the gunpowder and the cannon desired. That you have not been able to engage a good surgeon and send him to us, as also a good trumpeter, we greatly regret, since we have the greatest need of them here ; for which reason [?] once more beg for the same and expect [*them*] in the near future. We are, besides, grateful for the companies of people newly sent, and especially for the cooper and mason, the carpenter is free again, a wood-man, from whom little service is to be expected, it were desirable that we might keep therefor the mason now here at least another year, partly for his ability in these lands and for the service urgently required for the Honourable Company, and to carry the new works of the free inhabitants the sooner into effect, who now, however, by order of Your Worships, crosses in this bottom ; and [*we*] would very gladly have sent along therewith the assistant Symoen Poulis, if we were not in the greatest need of clerks, through the death of the former Secretary and bookkeeper, Wilhelmus Maas, as Your Honours in case of safe navigation of the vessel *De Eendr*[*ach*]*t*, Capt. Jooris Adriaansen, *via* rio Berbicies, will no doubt have seen from our despatch, long before the receipt of the present, and must therefore keep him on until [*the arrival of*] one or two good able and particularly sober persons. For though [*I*] understand bookkeeping, as is sufficiently known to Your Honours, [*I*] do not do it. I have so much to do with the two new works, to be thereabouts every day, that I could not look after the balance-sheet, even though nothing should be written, or the principal must be lost. With due submission, it would be better that the petitions of those lads, to be released without our consent, were not so readily received, as we have [*to do*] much training before the same can be brought to some ability in the interest of the Honourable Company. Then they show their obstinacy unwisely, but when they have secured their desire, and have arrived *in patria*, repentence often comes too late to them, and their friends, through whom their object has been attained ; of which there are divers examples, and among others those [? *that*] of Poulus Serooskerke.

We will then, as far as possible, on the arrival of the expected ship and book-keeper, take care that Your Honours henceforth receive at the stipulated time the books of business, and other papers more neatly and fully kept, which cannot now be done so readily, through the decease of the Secretary above mentioned, who, notwithstanding [*I*] had spoken to him about it various times during his illness, had not given us the slightest notice of his doings and arrears, but always came with the reply that everything was in good order, requesting us further not to let any other person take his work in hand, as he thought soon to be on his legs himself.

We are also pleased with the opinions Your Honours have been pleased to express upon the slaves brought by the ship *Brandenb* : their death and illness in this country. It were to be desired that things had taken their course according to the hopes of Your

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Honours with that infection. But since that time there have been 53 head [*died*] up to the despatch of our last; up to date again 10 *p*[*erson*]*s, four men and six women,* from which you will easily be able to deduce the great sorrow, besides the loss, which we suffer through this, because in consequence [*we*] are not only prevented from continuing the planting of cocoa, but most urgently need the remaining ones (among whom there are still many "makarons") to get the sugar-canes from the fields, that they may not rot or spoil, (through the heavy rain which has caused us much damage; to use [*them*] for burning the [*newly*] cleared gardens; and also for grinding the same, or other purposes, so that we eagerly await your intended resolution to supplement the deceased with new ones, and moreover to grant the Claim we have sent in, conducting ourselves in the purchase and supply in the way suggested in Your Honours' letter.

Further, it has grieved us to commit the error, in embarking the Company's sugar in the *Brandenb*: that there were three more hogsheads mentioned in my missive than the bill of lading indicated. Such a thing may easily happen, as, being busy grinding, we might well be out some three barrels. However, the bill of lading should denote the correct [*number*].

No less appeared to us the displeasure Your Honours had felt at the loading of the sugar barrels, and the damage which the bad storage had caused to them, for we can only presume that this must have occurred through taking water, since care is always taken that the Company's wares have the best place, and now, to secure this still more, we order Jan Cruÿn or another capable person to be present and keep strict supervision.

That the business to be commenced between us and Capt. Nicolaas Evertsen., residing in the new Netherlands, arrived here from Suriuam, has [*given*] Your Worships pleasure, and that you approve of the same provisionally, provided that he [*supplies*] nice meat at 16 guilders a barrel, and other provisions in proportion, pleases us particularly, and Your Honour may rest assured that we will perform our lawful duty for the further mentioned interest and not allow oriaane or other prohibited merchandise to be negociated.

But [*we*] must regard with surprise the bad and false information reported to Your Honours by some evil tongue with regard to the building of the house and salary of the Clergyman, as if this residence should reach the length of 80 and 40 feet in width, since on the contrary the same can only come to 44 feet length and 20 feet width, as [*I*] might show Your Honours by a declaration if it were necessary, and now, on his removal it is quite appropriate for the Director, so that no expense has been wasted on that score.

Concerning the salary and maintenance of the said Clergyman, his wife and the rest of his family, nothing more was allowed him on behalf of the Company than Your Honours have pleased to grant, and much more is not required, since they have, as is well known to Your Honour, his Reverence's own plantation, fish, game, and all necessaries, nay even correspondents at home, whence they are continually and sufficiently supplied

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with provisions, and have kept house in the new dwelling for about seven months since their wedding day, and have then gone to their own property, Westerbeek, so that the evil representation of the matter appears from this constantly [*sic*].

Since, on the return of Capt. Evertsen from Barbados, we have not been able to obtain from the Honourable Governor there a passport for the ship *Rammekens*, though the said captain together with our late secretary had earnestly applied for it in our name, but were declined very politely and for reasons also cited by your Honours, we judged it to be well in accordance with the service of the Noble Company to send the said yacht on a little trip to Weÿna to salt fish, which was not followed by the success hoped for—and on his return thence resolved again to cause a little journey to be undertaken to Rio Orenocque and Trinedados to trade there the aforesaid goods for cocoa; but this too has not turned out according to desire, but fruitless; coming after the current and contrary winds, got too low in returning hither against their will to Martinicque, whence, having been out for more than four months and having endured straights, consequently [*they*] arrived here again.

We shall therefore no more go in for this or similar undertakings but entirely conform ourselves to Your Honours' directions, unless the [*ship*] is sent to Surinam out of necessity, but not otherwise. The reason why your most Worshipful Honours are not sent more lot[*s*] of sugar for the present, is the small cargo capacity, so that it will be necessary that next year towards or in March two vessels be sent off, namely one for the Noble Company, the other for private people, on the arrival of which we count upon having ready for Your Honours (inclusive of the "oriaane") five hundred hogsheads of sugar, and as many as four hundred from private people.

As regards the building of a new fortress, we cannot yet proceed to that, owing to the great mortality of the slaves, as mentioned before, until we have been provided with new "*dittos*," to supplement those deceased, and also more people to carry on the Company's plantations, as to which, in the statement made, we economise as much as possible, and seek to relieve the Honourable Company of expenses.

I respectfully request Your Honours to draw up a list of how many slaves the Honourable Company and every private planter will have to contribute in proportion, both when we shall begin this work [*and*] for the continuation. This would produce a greater supply and prevent ill-feeling towards me ("keep me out of all bad thoughts"). For, according to our calculation, it will come to as many as 150 head that are required for this. It must not fail that the private [*planters*] provide their slaves with food and tools, otherwise it were impossible for me to maintain the same.

Moreover it is requested that the next coming ship, or one of the ships making the journey hither, might call at the "Soute Eylanden" [Islands], for we shall try to make shift so long as they are absent.

Respecting the trade in "Moraan," [*we*] must say to our regret

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that there is no, or no appreciable, advance to be obtained, but some days ago we traded with a certain person of the ship seventy-five pounds for fifty crystals, which are very fine, and for which no doubt we shall shortly have more than four hundred pounds very good "oriaanc." These are now cut [*in an*] oblong [shape], and come from Aenderick poocx.

Some time ago [*I*] arranged a banquet, according to the custom of the country, consisting of some pots of native drink, in order to gather in this way the chief "oriaan" planters with their subordinates, and to encourage [*them*] the more to grow this, I have promised to do the same again. But I must add here with sorrow that the mortality prevails [regimecrt], not only among our negro slaves, but also among the Indians, through which in a short time many of our principal "oriaan" planters have already laid low their heads.

Since the person Pieter Ackerdÿk from Rotterdam and Jan Stevensen from Dorderegt (Dort) who on their departure with the ship the *Brandenb*: according to Your Honours' letter, owed the noble Mr. Bailiff Radermaeker a sum of twenty two guilders each, and through severe illness cannot very well cross in this vessel as they would do otherwise, we have caused them to sign an order on the Honourable Company in favour and in payment of Mr. Radermaeker, as they have an ample credit account at this date, and we have therefore had them debited in part payment of wages earned, which [*I*] hope you will consider as well done.

By this vessel also come to Your Honours 273 hogsheads of sugar, 10,000 pounds of very good "oriaanc," 136 sticks of log wood, as Your Honour will be able to ascertain from the signed bill of lading. [*I*] request to be provided with 12 soldiers, one trumpeter, drummer, one carpenter, one cooper, if it should be that the ship had not yet put to sea for slaves. [*I*] would then make shift with 6 soldiers.

On the 6th inst. arrived here the afore-mentioned Capt. Evertsen bringing with him such provisions as we had bargained for in the petition made about him and a proper price, consisting of meat, bacon, flour, peas, etc., but not a large quantity. It consists for the Honble. Company in twelve barrels of meat, four of bacon, six barrels of flour, one cask of peas, the remainder for the private people, all of which has been paid with "kilduvel" [*Killdevil ?*], and is now about to make another journey, as [*I*] have engaged for 50 barrels of meat and bacon, for the account of the Honourable Company, which is the reason that I have petitioned for so little meat, will now also do his duty to bring cows and asses with him. The reason that I now again order twelve hundred pounds of gun powder is that we are now increasing daily on the river, and so little powder is not much use in case of attack, as has appeared in berbÿcis (Berbice).

To Your Honours is also sent by this vessel of the first fruits an anker of cocoa, together with twelve cakes of chocolate, as a sample, hoping the same will please well, together with two "halmen" (? puncheons), one with lime juice, the other with preserved "limmekens," (limes ?), all in the hands of the

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skipper Jan Cornelissen Küyper marked, two cases ("kassen") of oranges, marked with the Company's mark.

Regarding the claim made by Mr. Leendert van Ginnis, already satisfied by Your Honours under the guarantee of Mr. Maquet, to this [*I*] can only answer that it is a just claim, for it is certain that this man [*has*] given up the said plantation, with the other goods referred to, to the late Mr. Commander Abr. Beekman.

We have also at the request of the inhabitants granted to every one a mortgage bond (lit. a ground letter) of proportionate amount, and there are about to be granted still more in the name of Your Worships, of which we shall give notice in the next, though it were *via* Berbice, and at the same time transmit if possible the books of business, and everything in which Monsr. Leÿcius through great [*pressure of*] business and lack of assistance must now fail to his regret, and therefore he begs to be excused in this.

It were desirable that for this Colony, which increases more and more, and by the great desire of the inhabitants, a good expert land surveyor should come over, for ordinary (*or fixed*?) salary, for if we assess every plantation, in the aggregate, they are bound to pay. Shall think to make good this account on this condition, that, if the same is engaged by Your Honours as your own servant, the profits above his salary must accrue to you.

There also returns in this bottom the newly arrived soldier Hans Jurgen Willems, who, through his severe rupture, is not able to do the least service for the Company.

And that every free inhabitant every time, when meanwhile (*sic*) differences might have risen among them, together with the Director Adriaan Hollander hitherto on their part has only had session in Counsil (*sic*), which can spend its sollicitude sufficiently on its own account, at a request made, and consent of all of them given, the advice to hold every three months a sitting day and meeting with Anthony Dircksen Looman on behalf of the Honourable Company, Jan de Latombe Matthys Sierens (?) and Christiaan Godlobb Uscher, of the free *dittos*, and everyone to bring forward his interests, starting from the first of Octo' ; and resolved June 26th, not thinking but it will please Your Honours, the more so as they are some of the ablest men and as it has been done with common consent.

Here, Noble Very Worshipful Gentlemen, we are obliged to stop, with the full assurance that the state of this Colony stands well up to now and yields a great deal more profit than formerly. Praying the Almighty that He will crown Your Honours' persons and rule with rich blessings. *Signed*, Samuel Beeckman. 1700. *Inscribed*, Read Nov. 7 (N.S.) 1700. $12\frac{3}{4}$ *pp. Dutch. The style and language are exceedingly obscure. Enclosed,*

715. i. List of Enclosures following. *Signed*, Samuel Beeckman, Aug. 20 (*N.S.*) 1700. $1\frac{1}{4}$ *pp.*

715. ii.–xii. Inventories, Lists and Muster-rolls of the Company's slaves, stores, and servants in Berbice. Invoice of cargo despatched. Detailed description of the Plantations established, *etc. In all*, $59\frac{1}{2}$ *pp. Dutch.* [*Colonial Office Transmissions.* Berbice, 457. *Nos.* 4, 4.i.–xii.]

1700.
Aug. 13. **716.** John Montagu to the Council of Trade and Plantations. Memorial on behalf of several hundreds of the owners of land and principal inhabitants of the Province of New York touching some Acts, now before their Lordships, of the Assembly, or pretended Assembly, March 2nd, 1698 (1699)—May 16th following. (1) The Act for committing Ebenezer Wilson and Samuel Burt, farmers of the Excise of the Island of Nassau, for their contemptuous refusing to render an account of what they farmed the same for to the respective towns, counties and manors on the said island for the last year. Their case, as I am informed, was this: They lost by the farm, and, being traders, were unwilling that their loss should be made public and prejudice their credit. The Governor sends for them, and, extra-judicially, requires them to give an account upon oath. which he likewise would extra-judicially have administered to them, of what they had made of their farm. They refused to take this oath, and the Governor committed them. After they had lain several days in prison, then is this Act procured to be passed. Now, either these gentlemen were obliged by law antecedent to this Act to give an account required, or they were not. If so, there was no occasion for this Act; if not, then the Governor, in committing them, was guilty of a very arbitrary proceeding and a great violation of the Law, and this Act is made to countenance or excuse his illegal Act. Even had they been obliged to give such account by law antecedent to this Act, the Governor could not compel them thereto extra-judicially; but they would even in that case have been compellable thereto only in the ordinary course of justice. They were guilty of no manner of offence in refusing to take the oath the Governor thus arbitrarily and illegally tendered to them.

(2) The Act for vacating, breaking and annulling of several extravagant grants of land, *etc.*, is complained of, not only as a great injustice to the grantees and divers others, but also as a thing of dangerous consequence, that renders the properties of all the lands within this Province incertain and precarious and perfectly at the will of the Governor and fourteen or a less number of men. First I must take notice of a Clause that is very strangely thrust into this Act, and more strangely into the preamble, among the recitals of the grants there said to be extravagant; "That it having appeared to the House of Representatives convened in General Assembly that Mr. Godfrey Dellius has been a principle instrument in deluding the Mohacque Indians, and illegally and surreptitiously obtaining the said grant, that he ought to be and is hereby suspended from the exercise of his ministerial function in the city and county of Albany." What is here meant by deluding, and what by surreptitiously obtaining this grant, is so uncertain that nothing can be more. To attaint and punish a man by the Legislative power and not to specify in the Act of Attaint the offence for which he is punished, is a method altogether strange and unusual and very unbecoming the justice and wisdom of a legislative power to use. It is very well known that Mr. Dellius has been very instrumental in converting the the Mohaques and other Indians to the Christian and Protestant Religion and thereby keeping them from the French and uniting them to the English interest, and, for ought appears by this Act,

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that may be the deluding there meant. The punishment is very severe and yet uncertain. Nobody can learn by this Act for how long he is suspended. It is hoped that your Lordships will think that before his Majesty gives his authority for the inflicting so severe a punishment on a particular person, especially a Minister, he will be better satisfied of the crimes laid to his charge than he can be by the uncertain, general and ambiguous terms of this Act. As to the principal part of this Act, the advocates of it have endeavoured to represent it as done pursuant to the Lords Justices' Instructions. But their Instructions were to break the grants by legal means, a term which must relate to the Law then in being and imply, vacate them by a proceeding in the ordinary course of justice. This Act is not at all in the circumstances of an Act of Resumption of Crown Lands in England, for all that have any lands in this Province have a grant from the Crown of them, so that to disturb these grants is to disturb the titles of the land of an whole Province; and most of the lands in question were by the grantees purchased of the Indians, and afterwards grants were taken of them from the Crown of England under small Quit Rents by way of acknowledgement to fix the tenure and sovereignty of them in this Crown. And so, as to these lands, the revenues are not diminished by the King's grant, but the territories and dominions of the Crown are enlarged by the subjects' purchase. The Act is unreasonable; at least the Grantees and those that have taken leases and conveyances under the grants made by the Government ought in all reason and justice to be satisfied all charges they have been at about the lands, which the Government afterwards arbitrarily wrests out of their hands. The Act seizes into the King's hands and divests several persons of lands that were never the possessions or rights of the Crown, but purchased by those persons of the Indians. The Act is arbitrary and unjust in its use and interpretation of the phrase "extravagant grants": it tends, also, not only to the discouraging and interruption of all planting and improving of lands within this Province, but even to the subversion of Government and reducing all things to disorder and confusion. (*Argued at length*). I would also humbly put your Lordships in mind of the dangerous consequences of the Legislative power acting as executive in this Province. Further, His Majesty has solemnly declared in Commissions to the Governors that their grants should be good and effectual. This Act is in manifest contradiction to that declaration; and will do more mischief by far than all the lands in question are worth.

(3) The Act for granting 1,500*l.* to the Earl of Bellomont and 500*l.* to Capt. John Nanfan, the Lieut. Governor. Your Lordships have already given such just and excellent reasons against such presents in general, that the complainers doubt not but upon consideration of those reasons and of the undue elections of the Representatives, or at least some of them, that sat in this Assembly and voted for this and the two former, and of the ill company this Act comes in, you will advise His Majesty to reject it, or at least to direct that the money thereby raised be applied to the uses of the Province. If the advocates for these Acts defend them,

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I humbly desire that they may also do it in writing without delay, and that I may have the favour of a copy of it. *Signed*, Joh. Montagu. *Endorsed*, Recd. 13, Read 14th Aug. 1700. 2¼ *pp.* [*Board of Trade.* New York, 10. *No.* 23; *and* 54. *pp.* 341–374.]

Aug. 13. Whitehall. **717.** Council of Trade and Plantations to the Lords Justices. Recommending that Mr. Lewis Burwell, "a person not only recommended by the Governor, but of whom we have also otherwise received a good character," be appointed a Member of Council of Virginia, and Mr. Richard Lee be dismissed, as he desires, by reason of his age and infirmites. *Signed*, John Pollexfen, Abr. Hill, Geo. Stepney, M. Prior. [*Board of Trade.* Virginia, 38. *p.* 22.]

Aug. 13. Boston. **718.** Isaac Addington to William Popple. Your Honour will receive by this conveyance, the *Seaflower*, the duplicates of the Minutes of Council, Jan. 24th, 1699—March 21st, 1700, and of the Journal of Assembly, March, 1699; and of the Acts passed then and in May, 1700. The further Minutes of Council and Journal of Assembly are preparing to be sent by the next. I should be much obliged, if your Honour would please to notify me of the safe arrival of the laws and minutes from time to time. His Excellency the Governor is now at New York; it's uncertain whether he will return to this Province again before next spring. He is advised of all public occurrents here from time to time relating to the Government, and is very careful and particular in transmitting the same unto the Plantation Board. That which at present is of greatest concernment is to keep the Indians under His Majesty's obedience, and to prevent their breaking forth afresh into acts of rebellion and murder, which the Government find very difficult, and I fear will be impracticable, so long as the boundaries of the English and French territories lie in dispute undetermined, and consequently the right of jurisdiction over the Indians. *Signed*, Isa. Addington. *Endorsed*, Recd. 30th, Read 31st. Oct., 1700. 1 *p.* [*Board of Trade.* New England, 11. *No.* 9; *and* 38. *pp.* 284, 285.]

Aug. 13. **719.** Journal of Council of Trade and Plantations. Letter from Lord Bellomont, June 22, read. Papers therein referred to, laid before the Board.

Representation that Mr. Lewis Burwell may be constituted a Member of Council of Virginia, signed.

Aug. 14. Letter from Lord Bellomont to the Secretary, June 22, with enclosure, read.

Memorial of John Montague, Solicitor for some inhabitants of New York, in opposition to three of the Acts now under consideration of the Board, read. Ordered that it be communicated to Mr. Champante, in order to such answer as he shall think fit to make unto it. [*Board of Trade.* Journal, 13. *pp.* 149–153; *and* 97. *Nos.* 139, 140.]

Aug. 15. **720.** Journal of Council of Trade and Plantations. Mr. Hill communicated to the Board an account of the pitch and tar imported from Stockholm into England, 1699.

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Mr. John Montagu's Memorial against some of the New York Acts, having been communicated to Mr. Champante, he now acquainted their Lordships that he had shewn to Mr. Solicitor that part of the Memorial which contains objections against the Act for committing Ebenezer Wilson and Samuel Burt, etc.; and that Mr. Solicitor persisted still in the opinion expressed in his report, that the said Act is agreeable to Law and Justice; and added that he will be ready to justify that opinion whenever required. Whereupon their Lordships took again into consideration the remaining Acts of that Province, upon which they had lately suspended their opinion, and gave some directions for preparing a representation upon them to be laid before their Excellencies the Lords Justices, and for writing to the Earl of Bellomont upon that subject.

Aug. 16. Col. Codrington acquainted their Lordships that he is to embark to-morrow at Gravesend, in order to repair to his Government of the Leeward Islands, and accordingly took leave. Their Lordships took the New York Acts into consideration and agreed upon the draught of a representation thereupon and of observations to be writ to Lord Bellomont.

Letter from Lord Bellomont, July 9th, with papers enclosed, received and read. [*Board of Trade.* Journal, 13. *pp.* 153–156; *and* 97. *Nos.* 141, 142.]

Aug. 19. **721**. Council of Trade and Plantations to Col. Quary. We have lately received your letters of March 6, April 10, and June 5, by all of which we are glad to perceive your confirmation of what Mr. Penn has also writ about his having heartily applied himself to the reformation of the irregularities you complained of. We doubt not by the steps he has already made but he will continue to pursue the same measures, so that His Majesty's service and the good of the Province may henceforwards be effectually carried on without animosity and without any clashings between his authority and yours, and between the jurisdiction of the Courts dependant on either of you; in which occasions it will become your prudence on both sides to act cautiously. As for the matter of your account, upon which you desire us to signify our pleasure (June 5), we refer you to Mr. Secretary [*Vernon*], who doubtless had His Majesty's order therein, and we cannot therefore think it proper for us to intermeddle in it. We are very hopeful all difficulties of this or any other kind relating to pirates will for the future be in great measure removed by the Act of Parliament past the last session for the more effectual suppression of piracy, in pursuance of which Commissions are now preparing to be sent to His Majesty's Plantations, so that everyone in authority will thereby plainly understand their duty, and we hope the suppression of that race of wicked men will in the end be effectually obtained. So we bid you heartily farewell. Your very loving friends, Phil. Meadows, Abr. Hill, Jon. Pollexfen, Geo. Stepney, M. Prior. [*Board of Trade.* Proprieties, 26. *pp.* 310, 311.]

Aug. 19. Whitehall. **722**. Council of Trade and Plantations to the Rt. Hon. Mr. Secretary Vernon. Having lately received from the Earl of Bellomont the enclosed extract (*See* July 9th) of a letter from

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the Lieut. Governor of New York relating to a French man-of-war that had touched at New York, we think it for His Majesty's service to communicate the same to you. *Signed*, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*Board of Trade.* New York, 54. *p.* 379; *and* 44A. *No.* 47.]

Aug. 19. Whitehall. **723.** Council of Trade and Plantations to the Lords Justices. We have considered of the Acts past in several General Assemblies of His Majesty's Province of New York from Oct. 5, 1696—May 16, 1699; and having thereupon had the opinion of His Majesty's Solicitor General in point of law, we humbly crave leave to lay them before your Excellencies. (i.) Several Acts, *enumerated*, which have already expired or to which we see no objection. (ii.) Acts upon the usefulness whereof we have some doubts and are making a further enquiry, but upon which we conceive your resolution may in the meanwhile be suspended without any inconveniencie, vizt., an Act for preventing vexatious suits; an Act for the indemnifying of all such persons as were excepted out of the General Pardon made by the Act of the General Assembly, 1691; an Act repealing the Act regulating damages done in the time of the late disorders, etc.; an Act for settling the estate of Jacob Milbourn, Esq., decd.; an Act for continuing the Act for encouraging the Post Office. (iii.) Upon the Act for granting 1,500*l.* to His Excellency Richard, Earl of Bellomont, and 500*l.* to his Lieut. Governor, we humbly offer our opinion that your Excellencies may be graciously pleased to permit that they may receive the said sums accordingly. (iv.) The Act for restraining and punishing privateers and pirates might have been useful to the end intended, in case no other provision had been made here for the same purpose, yet, finding it inconsistent with the Act past here the last session of Parliament, for the more effectual suppression of piracy, we humbly offer to your Excellencies that it be repealed. (v.) Besides these forementioned Acts there also lies before us an Act for vacating, breaking, and annulling several extravagant grants of land made by Col. Benjamin Fletcher, against the confirmation whereof several objections having been lately offered to us, which we have not yet had the opportunity to examine so thorowly as a matter of such importance deserves, we humbly crave leave for the present to suspend our opinion upon it. *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* New York, 54. *pp.* 380–385.]

Aug. 19. **724.** Minutes of Council of Massachusetts Bay. 20*l.* ordered to be advanced to Major Converse on the service of the fortification of Cascobay. Advised, that that fortification be 60 foot square and made with stockadoes, and a breastwork cast up within the same, or with logs.

Licence granted to Richard Gridley to erect an addition of timber to his house in the street leading to Fort Hill in Boston. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 10, 11.]

Aug. 19. **725.** Minutes of Council in Assembly of Barbados. Account of money, paid for servants brought into the Island, recommended to the Assembly.

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The Assembly attending, His Exeellency told them that he had at divers meetings recommended several matters to them for the benefit of this Island, of which they had taken no measures, and that he would give them nothing further in charge till they had proceeded upon what was already reeommended ; to which the Speaker replied that they would forthwith go upon business, and then retired with the House.

Upon the petition of the Pirates that surrendered themselves upon His Majesty's Proclamation in the *Vine* pinck, Capt. Tho. Warren, setting forth that they were reduced to great extremities, ordered that any of them may go for England as is directed by an order of this Board, April 17th, 1700. [*Board of Trade.* Barbados, 65. *p.* 531.]

Aug. 19. **726.** Journal of Assembly of Barbados. Mr. Colleton was again elected Speaker, the House having sat three times by adjournment since his being formerly chosen.

William Heysham was appointed to be of the Committee of Accounts in the place of the Honourable William Wheeler, who is departed from this Island.

The House considered the question of the charge of keeping the servants and the doctors' accompt. It was decided that the public should have credit for the labour of the servants as far as is allowed for the doctors' aecompts. (*And see preceding abstract*).

George Peers was re-elected Storekeeper of the Magazine.

Salaries of the Storekeeper, Clerk and Marshall voted.

A Bill, entitled an Additional Aet eoncerning forestallers, was read and referred to a Committee. Alexander Walker was returned a Representative for the parish of St. Peter's.

A Committee was appointed for the eonfirmation of grants.

The petition of Joseph Hole for a drawback of 12 pipes of Madera wine, which turned eager within three moneths of being landed, was allowed. [*Board of Trade.* Barbados, 65. *pp.* 564–567.]

Aug. 19. **727.** Journal of Council of Trade and Plantations. Represensation upon the Acts of the General Assembly of New York, Oct. 5, 1696—May 16th, 1699, signed.

Letter to Mr. Secretary Vernon signed, enclosing copy of the extract of the Lieutenant Governor of New York's letter to Lord Bellomont, June 24th (*See* July 9.).

Letter to Col. Quary signed.

Mr. Randolph being newly arrived from Bermuda returned their Lordships thanks for their favour in procuring his discharge from his imprisonment there, and said he had many things to offer to this Board for H.M. service relating to the Plantations, which he would do in writing as soon as he could.

Aug. 20. Mr. Solicitor General's reports upon Acts of the General Assembly of the Massachusets Bay, one prohibiting the exportation of money and bullion, Dec. 15, 1697, and another upon the Acts past there May 25, 1698, read. These Acts were considered.

Aug. 21. Letter from the Board to Col. Nicholson signed. Draught

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of another letter to be writ him by the Secretary approved. Their Lordships further considered the Acts of Massachusets Bay mentioned yesterday. [*Board of Trade.* Journal, 13. *pp.* 156–158; *and* 97. *Nos.* 143–145.]

Aug. 21. **728.** Council of Trade and Plantations to Governor Nicholson. We have received your letter of June 10th. We congratulate the success you have had in your late enterprise against the pirates. We hope all difficulties that might arise about the conduct of the Governors of any of His Majesty's Plantations towards pirates will hereafter be in great measure removed by an Act passed here the last session of Parliament *for the more effectual suppression of piracy*, and the Commissions which are now preparing to be sent thither in pursuance of the said Act; not doubting but the same will also be very effectual towards the suppression of piracy as contended. What you write concerning Navigation Bonds, which we take to be much (what) the same case in Virginia as in Maryland, is proper for the consideration of the Commissioners of the Customs and by them to be laid before the Treasury, from whom all directions in matters relating to His Majesty's Revenue must come. There are many other things in your letter which belong to the care of the Admiralty, and others to other offices, concerning which you have not observed the advice we gave you Jan. 4th., and have thereby left us doubtful whether it were necessary for us to communicate the copies of what we receive from you unto them, or what else might be fit for us to do therein. Which inconvenience we therefore again entreat you for the future to prevent. The care you promise in advancing His Majesty's Revenue, and the hopes you express of being able in a year or two to build a house for His Majesty's Governor are very acceptable things. We are glad also to observe that you were taking care about the Revisal of the Laws, according to our explanation, Jan. 4th, and hope we shall ere long receive them so revised, that we may be enabled to consider them in order and offer our opinion thereupon to his Majesty, which we cannot now do upon these last received for want of a perfect and authenticated collection of the whole. We desire you therefore to make what dispatch you can therein. We have found an inconvenience from some of His Majesty's Plantations in having private Acts fastened together under the same seal with those that are of a public nature, the one proving sometimes an obstruction to the dispatch of the other; and we therefore desire you, whensoever any such private Acts come to be past in Virginia, to take care that they be sent, each of them under a separate seal, and that the persons concerned therein be advised to write to some of their friends here to solicite their dispatch with the Attorney or Solicitor General, and to furnish those friends with all memorials necessary to enable them to give information in any doubts or enquiries that may be made thereupon. Tho' Mr. Penn have given us a particular account of his having applied himself to the reformation of the irregularities which have been in that Province, it is very acceptable to us to receive the confirmation thereof from you and to understand your readiness

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to correspond with him, as with the Earl of Bellomont and Col. Blakiston in anything for His Majesty's service, and whensoever it shall happen that you can all of you meet together to consult of the mutual welfare of your respective Governments, we cannot but hope some good effect from it. Having lately received a letter from Mr. John Moore, desiring that some salary may be appointed for his service as Advocate in the Admiraly Court of Pennsylvania, in which place he says you had put him, we desire you to let him know what we writ you, Jan. 4, viz., that when any salaries are settled upon the like officers in other places we shall be ready to propose that the same be done for him, but that the consideration of that matter belonging more properly to the Lords of the Treasury or Admiralty, we do not at present think it fit for us to move anything in it. Upon what you write of the difficulty to get a quorum of Counsellors to meet together, and about Col. Lee's desiring to be discharged from attending upon that service, we have offered to the Lords Justices our opinion that he may be discharged accordingly, and that Mr. Lewis Burwell may be constituted as member of His Majesty's Council in Virginia in his stead. We have ordered our Secretary to write to you upon some other heads of less moment. *Signed*, Ph. Meadows, Jon. Pollexfen, Abr. Hill, Geo. Stepney, M. Prior. [*Board of Trade.* Virginia, 38. *pp.* 23–26.]

Aug. 21. **729**. William Popple to Governor Nicholson. There are some few things which the Lords Commissioners for Trade and Plantations judge useful to be observed in your correspondence with them. It is convenient for their office that all papers they receive from the Plantations may be writ in such a form that they may hereafter be bound up together in bookes, and therefore, as they are very well pleased with the transcript you have sent them of some late Acts of Assembly, and of your Journals in the form of Rul'd Paper which was sent you from hence, they desire that your letters more especially be writ also in the same manner, either upon large or small paper as you think fit. Whenever you transmit any papers to them together with your letters (which must be always done as occasion requires), they desire you to send therewith a separate list of those papers, and not to make your whole letters as it were one continued index of them. When you have several subjects to write upon, they offer it to your consideration whether it would not be more convenient, both for you and for them, to divide those matters into two or three letters, than to mix all together in one. For in that manner you may more easily enlarge upon anything as you find needful, and they would also be inabled to understand your letters as they are read to them, without the trouble of stopping so oft and seeking into those papers for the meaning of what you hint at. The Naval Officers' Accounts that you have sent them are very confused. They ought to be fairly writ, upon paper so rul'd that they may be stitched or bound up together, and conveniently opened and read without tearing, which can hardly be done with these, which are writ upon so many single papers and joined together very loosely at the heads. The mixing of ships cleared outwards

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in the same list with ships entered inwards renders it very difficult to distinguish, as is requisite, between the one and the other, and it is therefore absolutely necessary that those lists be kept separate and accordingly transmitted. The same parcels of goods entered inwards or outwards should not be twice entered and promiscuously mixed with other parcels in two different accounts; as Mr. Hill has done in his two accounts Nov. 16, 1699—April 17, 1700. All accounts should express the hogsheads and quantity of tobacco shipt off; which is omitted by Mr. Allerton, who only mentions that such and such ships were laden off with tobacco, but expresses not what quantity each ship carried. The number of hogsheads, and the pounds of tobacco in bulk, laden in each ship, should in all accounts be entered exactly, and the figures so placed that the totals may be added up, which addition ought also to be made and set down by the respective officers themselves, or the person who copies out their accounts. [*Board of Trade.* Virginia, 38. *pp.* 27–29.]

Aug. 22. Whitehall. **730.** Mr. Yard to the Council of Trade and Plantations. Enclosing the petition of Daniel Smith and other papers for their Lordships to consider and report to the Lords Justices. *Signed*, R. Yard. *Endorsed*, Recd. Read 23rd Aug. 1700. *Enclosed*,

730. i. Petition of Daniel Smith, a native and inhabitant of Bermuda. Petitioner in Dec. 1698 was committed to prison in Bermuda by Governor Day under pretence of piracy. The Governor several times sent to petitioner to let him know that, if he would give him 100*l.*, he should be discharged, but if not, he should be sent in irons to England and be hanged, as does more fully appear by the deposition, now before the Lords of the Council of Trade, of William Brice, then Deputy Marshall. Petitioner not complying, he was kept in irons till Dec. 1699, when he was bailed at the Assizes and was acquitted at the Quarter Sessions, Jan. 18, 1699 (1700), before Gilbert Nelson, Judge, and other Justices of the Peace. Notwithstanding, upon April 22, 1700, petitioner was again apprehended and committed to gaol by a warrant from the said Gilbert Nelson, and there kept in irons till July 13, when he was by the said Governor sent a prisoner on board the *Marygold* for England. Prays for a speedy hearing and relief. *Signed*, Daniell Smith. 1 *p.*

730. ii. Copy of warrant for the imprisonment of Daniel Smith, Dec. 22, 1698. *Signed*, Sam[ll]. Day. *Slip.*

730. iii. Copy of warrant for imprisonment of Daniel Smith, April 22, 1700. *Signed*, Gilb'. Nelson. *Slip.*

730. iv. (1) Copy of Daniel Smith's petition to Gilbert Nelson, Chief Justice of the Assizes, St. George's, for a speedy trial.

730. iv. (2) Copy of memorandum of petitioner's admission to bail to the next Quarter Sessions, Dec. 8, 1699. 1 *p.*

730. v. Governor Day's warrant to Capt. Leonard White

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to take on board the *Marigold* the prisoner Daniel Smith for England. *Signed*, Sam. Day. 1 *p. Fragment of Seal.* [*Board of Trade.* Bermuda, 4. *Nos.* 39, 39, i.–iv. ; *and* (*Letter and first enclosure only*), 30. *pp.* 45–47.]

Aug. 22. **731**. Minutes of Council of the Massachusetts Bay. Instructions for Major James Converse, for erecting a trading house and fortification at Cascobay, read and approved. Advised that for the encouragement of a Minister to go Eastward on His Majesty's service, to have his residence at one of the Garrisons there as Chaplain and for instructing the Indians in the true Christian Religion, he be allowed 20*s.* a week. [*Board of Trade.* Massachusetts Bay, 2. *p.* 11.]

Aug. 22. **732**. Journal of Council of Trade and Plantations. Mr. Solicitor General's reports upon some Acts of the Massachusetts Bay, one upon those of an Assembly held Nov. 15, 1698 and another upon those of an Act of Assembly, May 13, 1699, read. The Acts were taken into consideration, and their Lordships made some progress in the perusal thereof.

Aug. 23. Letter from the Board to Mr. Penn in answer to his of Feb. 27th and April 28th, signed.

Letter from Mr. Yard, Aug. 22nd, read. Ordered that Mr. Randolph be desired to attend the Board on Monday.

The Solicitor General's report upon the Acts of the Massachusets Bay, past at an Assembly May 31st, 1699, read. Their Lordships then went through with the consideration of the said Acts, and gave some directions towards preparing a representation to lay the same, as also those mentioned in the Minutes of the 20th, 21st, and 22nd inst., before their Excellencies the Lords Justices. [*Board of Trade.* Journal, 13. *pp.* 159, 160 ; *and* 97. *Nos.* 146, 147.]

Aug. 23. Whitehall. **733**. Mr. Secretary Vernon to Lieutenant Governor Day. Your father having petitioned His Majesty in Council to recall you from the Government of Bermudas, that you might have a speedy opportunity in person to justify before His Majesty your behaviour in that Government, His Majesty has been pleased to grant his request, and I am commanded to signify to you His Majesty's revocation, in order to your return hither to give an account of your proceedings in that Government accordingly. *Signed*, Ja. Vernon. *Copy.* ¾ *p. Endorsed*, Recd. Read Aug. 28, 1700. *Enclosed*,

733. i. Copy of Order of King in Council, recalling the Governor of Bermudas, May 21, 1700. *Signed*, John Povey. *Endorsed as preceding.* 1½ *pp.* [*Board of Trade.* Bermuda, 4. *Nos.* 40, 40.i. ; *and* 30. *pp.* 55–57.]

Aug. 23. Whitehall. **734**. Council of Trade and Plantations to Mr. Penn. We have receeived yours of February 27 and April 28, and others from Col. Quary, wherein he does you the justice to acknowledge the

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reformation you have made since your arrival, by displacing officers who have been complained against for irregular conduct, by seizing pirates and endeavouring in general to suppress and discountenance all illegal and undue practices. We observe what great improvements you say have been made both in the country and the city, and so long as such improvements do not arise from any unlawful courses, or means that interfere with His Majesty's service and the interest of England, nor tend to the injury of other Plantations, we shall always rejoice to hear of their further encrease. We advise you to have those considerations always in your eye, and do not doubt but whatever discontent such conduct may raise in the minds of some of the inhabitants, the better sort will be sensible of the necessity of it; and as we shall never be backward in giving what encouragement lies in our power to all industrious and fair improvements both there and elsewhere, so we hope you will also in your own private concerns receive more stable advantages by that conduct than by any different method.

As to what you write relating to the pirates and their effects that have been sent to England, we suppose you have followed the orders which were sent you, and we have communicated what you intimate about some of the inhabitants of Lewis, who had been aboard Kidd, and about their dealings with him or his crew, to Mr. Secretary Vernon, that you may receive such further directions thereupon as shall be thought necessary.

But for the future we hope all difficulties that might arise about your conduct in such occasions will be removed by a late Act of Parliament for the more effectual suppression of piracy, and the Commissions that are now passing in pursuance thereof, which will be sent to the respective Plantations so soon as they are ready.

The two Acts of your General Assembly, that you have now transmitted, we have sent to Mr. Solicitor General for his opinion upon them in point of law; but since you desire us to defer the laying of those you formerly left with us before His Majesty, until the whole body of the Laws of the Province be transmitted from the next Assembly, we do not at present proceed to represent our opinion upon any of them. We do not yet hear anything of the nomination of a Lieutenant Governor for Pennsylvania, which you say you have ordered to be offered to us. Your desire that a clause may be inserted in some Acts of Parliament to enable the Quakers to register their ships without oaths, and the explanation you desire about the bounds of the Admiralty Jurisdiction, we have recommended to Mr. Lawton, who has let us know that you had appointed him to take some care about your affairs, as the most proper person to look after those matters. So we bid you heartily farewell, Your very loving friends, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney, Math. Prior. [*Board of Trade.* Proprieties, 26. *pp.* 311–314.]

Aug. 26. **735.** Minutes of Council of the Massachusetts Bay. Payment of Corporal Daniel Andrews and nine troopers, that served under him on His Majesty's service at Aimsbury last spring, ordered. [*Board of Trade.* Massachusetts Bay, 2. *p.* 12.]

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Aug. 26. **736.** Journal of Council of Trade and Plantations. Mr. Randolph attending as desired, said that, he himself having been a prisoner in Bermuda at the same time with Daniel Smith, had understood from him that he had never been of Every's crew, but only happened occasionally to come passenger in Every from Madagascar to Providence, upon which occasion however he was accused and tried in Providence for piracy, and was there acquitted, during the Government of Mr. Trott; and that he had a record thereof, as likewise a certificate under the hand of Capt. Webb, the succeeding Governor. Mr. Randolph was desired to give notice to Smith to send the said certificate to be exhibited to this Board to-morrow morning.

Mr. Randolph also laid before the Board an affidavit made by Col. William Outerbridge, one of His Majesty's Council of Bermuda, July 12th, relating to Mr. Day's not suffering affidavits to be taken in that island without his knowledge, which was read, and a copy ordered to be kept of it.

A letter from Thomas Harford, Samuel Spofferth and John Dickenson, together with an affidavit of Charles Walker of Bermuda, June 25th, signifying Mr. Day's refusal to obey His Majesty's Order in Council, Nov. 2nd, 1699, received from Mr. Mears and read. Ordered that a copy thereof be made, and a letter prepared to transmit the same to Mr. Secretary Vernon.

An Act of the General Assembly of Jamaica, for entailing a parcel of land upon Edmund Edlyn and his heirs, etc., being received lately from Mr. Gilbert Heathcote, ordered that the same be sent to Mr. Solicitor General for his opinion.

Letter from Sir William Beeston, June 16, in answer to what writ him March 5th, relating to the petition of John Smith of Biddeford, about the sale of the *Pearl* at Jamaica, was read.

Minutes of Council of Nevis, Dec. 29, 1697—Dec. 12, 1699, received lately from Mr. Povey, were laid before the Board.

Aug. 27. Mr. Randolph exhibited to the Board a copy of the record of Daniel Smith's trial and discharge for piracy in the Bahama Islands, under the public seal of those islands, and the hand of the then Governor Trot, as likewise a certificate from the late Governor Capt. Webb, to the same effect, which were read.

Letter to Mr. Secretary Vernon enclosing a copy of the letter from Bermuda mentioned in yesterday's Minutes, concerning Mr. Day, was signed and sent.

Mr. Solicitor General's reports, Aug. 9th, upon the Acts of New Hampshire, Aug. 7th and Nov. 21, 1699, were read, and the said Acts also read and considered. Directions given to prepare a representation wherewith to lay the same before the Lords Justices. [*Board of Trade*. Journal, 13. *pp.* 160 164; *and* 97. *Nos.* 148, 149.]

Aug. 27. Whitehall. **737.** Council of Trade and Plantations to Mr. Secretary Vernon. We enclose the copy of a letter [*from Thomas Harford, etc.*] we have lately received from the Bermuda Islands, which conteyning a fresh account of Mr. Day's irregular conduct of that Government, and the apprehensions the people are under of his taking some violent course, makes us sensible of the necessity

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that Capt. Bennet be dispatched to that post so soon as possible. We have sent our report, with a draught of his Commission and Instructions, July 30th, to be laid before their Excellencies, the Lords Justices in Council. *Signed*, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Bermuda, 30. *pp.* 54, 55.]

Aug. 27. Whitehall. **738**. William Popple to Sir John Hawles. Enclosing for his opinion an Act of the General Assembly of Jamaica, entailing a parcel of land upon Edmond Edlyne, etc. [*Board of Trade.* Jamaica, 57. *p.* 96.]

Aug. 27. Virginia, James City. **739**. Governor Nicholson to the Council of Trade and Plantations. I did myself the honour on the first instant to write to your Lordships, which I hope in God you will receive, with the box of Journals, papers, etc. According to my duty I then endeavoured to give your Lordships an account of this His Majesty's Colony and Dominion, as I shall, God willing, do now. The Council met on the 8th inst., but so few of the gentlemen coming, little business is done; but it is further referred. I have appointed the Council to meet me here on the 3rd of next month, but I am afraid that there will not be a full meeting, by reason that this is the sickly time of the year, and at present it is more than usual, which I suppose is caused by the long and wet seasons and somewhat of a drought and uncertain weather since, and the fruits of the trees and ground not being seasonably ripened, but, I thank God, as yet not many die. I hope we shall have one good day's rain to wet the earth very well, and after it a swinging north-wester for two or three days, which usually clears the air and makes the healthful weather at this time of the year. In the enclosed proceedings of Council you may be pleased to see what was done about the French Refugees, and (*from this and other enclosures*) what concerning the *Mary Ann* since they came. If this ship should not be condemned here for want of good proof, yet I hope she will in England, for, with submission, if such ships should escape upon the quibbles and niceties of law, no doubt 'twould be a president for others, and may be there are more ships in the like circumstances. I intend by this conveyance to send to the Commmissioners of Customs the duplicate of M. de Sailly's deposition, etc., as also of Mr. Attorney General Fowler's state of the case, etc., with what I now write to your Lordships, and humbly propose that H.M. Attorney and Solicitor General should give their opinion upon this case, for our Judge and Lawiers will not pretend to be extraordinary knowing in such cases, and it may so happen that we may have some other ship under the like circumstances. I enclose the trial of the sloop *George*, Joseph Forrest, Master; also lists of ships. I have sent duplicates of these to the Commissioners of Customs. I thank God that we have had no disturbance from pirates. Captain William Passenger, H.M.S. *Shoreham*, keeps cruising with her. I transmit a copy of his last letter to me, I have writ him that I intend to lay it before the Council on Sept. 3rd, and then I suppose we shall give the necessary orders for careening, as he proposes. I intend, God willing, to go down early to-morrow morning to Kikotan in order

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to dispatch this letter by Capt. John Hendrix, Commander of the *Providence*, who came from Antego, he takes in some tobacco here to complete his loading. This is the last ship that I know of designed for England till the new crop, there being only another left in Potomack; but suppose that the ships that will come from England this winter will sail as soon in the spring as she; and as for Capt. Hawes, his ship, I know not yet what will be done with her. I am in hopes of meeting Capt. Passenger at Kikotan, and then design to go on board H.M.S. *Shoreham* and give the necessary orders. I do not hear of any more negroes being come in, which I am sorry for, being they would make so much more tobaccos, which I hope would increase His Majesty's revenue; therefore wish that the African Company and others that trade thither would send in some, and that whilst the people have money to buy them, for it may so happen that if negro's don't come in within a year or two that people may dispose of their money some other way, which may not be to the augmenting His Majesty's Customs, but rather otherwise. From the enclosed letter from Mr. Henderson Walker, Deputy Governor of North Carolina, your Lordships may see what reports there are about Dr. Cox and his patents. I had some acquaintance with him, and I believe he is an honest gentleman and a very good doctor, but by what he told me concerning his ill success of his Jersey proprietorship, I thought he had done with all such projects; but I am afraid several people have abused the Doctor's good nature and generosity by telling him of strange countries and giving him maps thereof. The Marquis de la Muce and M. de Sailly told me how they came to be engaged with him and what ill success they had. I wish that he would come into these parts, and run out the bounds of his countries, and then I suppose he would have so much of the Continent of America that he would not care to come again. I suppose there is some mistake about those two patents, for I think there was no such man as a Duke of Norfolk in King Charles the First's time, and I have ordered our records to be searched, and have done so myself (but I formerly found, and do so now, that the old Records are not very perfect) but can find no such Patent granted by Governor Harvie in 1631. Now I humbly propose to your Lordships that some final end may be made concerning these patents, for our inhabitants, who border upon North Carolina, hearing such reports, makes them very uneasy, for I think nobody, who could help it, would willingly quit being His Majesty's tenant to be that of a Proprietor's, and the bounds being at present uncertain betwixt us and North Carolina, people do not much care to take up land on an uncertainty, for fear lest they should fall under proprietorship. But I beg leave to assure your Lordships that I will not be wanting in my duty to His Majesty's subjects both in protecting our inhabitants, and asserting His Majesty's right to the land, etc. Just now I received enclosed letter from Capt. Passenger; I am heartily sorry to hear that his men are so sickly; and I'm afraid that that ship will not be able to do His Majesty much service this Fall. I shall, God willing, hasten down to the mouth of this River.

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and all assistance shall be given to Capt. Passenger and his men by him who is, your Lordships' obliged, and obedient humble servant. *Signed*, Fr. Nicholson. *Endorsed*, Recd. 19th, Read Oct. 21, 1700. 2¾ *large pp. Enclosed,*

739. i. Abstract of preceding. 2¾ *pp.*

739. ii. Memorandum of Minutes of Council of Virginia, Aug. 28, 1700. ¼ *p.*

739. iii. Certificate of the following depositions. *Signed*, Fr. Nicholson.

739. iv. Copies of Depositions of M. Charles de Sailly relating to the *Mary Ann*. Jamestown, Aug. 22, 1700. I bought with Capt. George Hawes, the *Mary Ann* in London for 605*l.*, paying 100*l.* for a fourth part on behalf of myself and partners, but finding that I could not hold part in it because I was a foreigner, at the request of Capt. George Hawes, I assigned my one fourth share to Capt. Moses Jaqueau, one of our Company naturalised, who gave me a receipt that I had paid the money out of our common stock and that he would not pretend to the said fourth part above his share according to the proportion of his contribution. We paid the freight and passage money to Capt. Hawes. *Signed*, Ch. de Sailly. Witnessed by C. C. Thacker, Edward Jaquelin, Wil. Robertson. *Endorsed*, Recd. 19th, Read Oct. 21, 1700. 2½ *pp.*

739. v. M. Charles de Sailly to Messieurs Jaqueau, Perraudin, Bouvot and Bellet in London. James Town, Aug. 22, 1700. Capt. Hawes treated us barbarously on the voyage, and allowed our property and provisions to be stolen or destroyed. In addition, he wished to make us lose our fourth share in the vessel, which has compelled us to sue him. I enclose my deposition for your confirmation as to the sale. We are, thank God, in a fine and beautiful country, where, after the first difficulties, we shall live well and happily. It is above the Falls of James River. I salute all the friends and brethren in Christ. *Signed*, Ch. de Sailly. *Copy.* 4 *pp. French. Same endorsement.*

739. vi. Report of the Attorney General upon the seizure of the *Mary Ann*, Capt. George Hawes, by Capt. Passenger, H.M.S. *Shoreham*, because he had heard M. de Sailly say that he and several other French Refugees, all foreigners, had a quarter part of the ship. In the absence of the Marquis de la Muce through sickness, the trial in the Admiralty Court was referred to Sept. 5th. On the point of law, I am of opinion that the ship, not being wholly and directly owned by Englishmen, is forfeited. The register cannot be taken as conclusive proof of ownership. Aug. 26, 1700. *Signed*, Barth. Fowler. 3½ *pp.*

739. vii. Copy of the Register of the *Mary Ann*, London, April 10, 1700. 1 *p. Endorsed*, Recd. 19th, Read Oct. 21, 1700.

1700.

739. viii. Copy of the trial of the Sloop *George*, Joseph Forest, Master, in the Admiralty Court, Elizabeth City County, June 5, 1700, seized by Capt. Passenger for importing goods though in part owned by a foreigner. Prosecution dismissed. 5 *pp. Same endorsement.*

739. ix. Memorandum of Naval Officer's list of Ships, June 24, 1699—July 25, 1700. $\frac{1}{4}$ *p.*

739. x. Extract of Col. Nicholson's letter to the Commissioners of Customs, Aug. 24, 1700. I have received your Honours' letter, Nov. 30, 1699, concerning Edwd. Hill, junr., his being Collector of the upper district of James River in the room of his father, but he was admitted and sworn Collector before, pursuant to your letter, Sept. 15, 1699. When Col. Richard Lee comes to town, which I suppose will be in Oct. next, I shall do as your letter, Ap. 17, 1700, directs concerning his being Naval Offieer of the whole district of Potomack River; but the security he produced to me was only for Westmorland and Northumberland Counties, so I made him Naval Offieer thereof, but there is another county on our side of Potomack River, which is Stafford, (of which I made Capt. Rice Hooe, a member of the Assembly, Naval Officer), and is the upper parts, and lies upon the river for nigh 80 miles, and altho' there be few ships that ride there, yet a great many sloops, etc., trade there from ships, who ride both of our side, and on Maryland side of Potomack, and sometimes in our rivers. Potomack River is but narrow in the upper parts of Stafford, so that there is an easy communication from Maryland, and with submission I think that there ought to be at least two Collectors and as many Naval Officers on each side of the river, for the upper parts now begin to be a place of great trade and the river is navigable and inhabited for above 150 miles. That your Honours will either send or appoint some person to succeed Peter Heyman in the Collectorship of the lower district of James River, and that he will be there early this Fall, is the hopes of *Signed*, Fr. Nicholson. *Endorsed*, Recd. Oct. 19, 1700. $1\frac{3}{4}$ *pp.*

739. xi. Capt. Passenger to Governor Nicholson. Kicotan, on board H.M.S. *Shoreham*, Aug. 19, 1700. I came in here to-day to sell the prize, and wood and water. Capt. Crow, H.M.S. *Arundell*, came on the 17th into Lynhaven Bay from New York, and sailed the 18th for South Carolina, and gave me the inclosed letter for your Excellency. If wind and weather permits, he will at his return call in here, and wait upon your Excellency. He set my Lord Bellomont ashore at New York, and at his return is to carry him to New England again. I have only to offer (may your Excellency think convenient) about the latter end of September to careen the *Shoreham*. She is at present

1700.

very fowle, and the ruther is loose, which I fear before the next summer may be of a dangerous consequence by reason he fetches so much away, which cannot be removed without careening or lying ashore, which I presume there is no place in Virginia will admit of. *Signed*, W. Passenger. *Subjoined*, certificate as to the rudder, *signed*, James Barton, carpenter. *Endorsed*, Recd. Oct. 19, 1700. Read 22 ditto. *Copy.* 2 *pp.*

739. xii. (1) Col. Mason to Governor Nicholson. Aug. 19, 1700. Hearing of a man on board a small ship up the river that had been among the Indians for some time, I immediately sent up and got him off board and upon examination found him sparing of giving any information, so I committed him to the sheriff. On the 15th he was fully examined and the Court further committed him until your Excellency's commands be known, for our people are of opinion that he i a great rogue and if he had his liberty he would go to the Indians again. I thank God we have had no other disturbance since you were here, but everyone under great dread and fear, but few gone home as yet, some going quite out of these parts. The Rangers are careful in doing their duty. One of the officers is dead. Shall appoint another. *Signed*, G. Mason. *Endorsed*, Recd. Oct. 19, 1700. *Copy.* 1 *p.* *Annexed.*

xii. (2) Copy of information of Thomas Monck, 22. Aug. 15, 1700. Having been with those barbarous Indians at the Fort at the mountains, June, 1699, I saw one named Esquire Tom bring in a scalp, which I suppose they did hang upon a pole, they hollowing and singing in great measure for the space of two hours, he having eight Indians with him, all naked and painted and having only bows and arrows. The murther was done on the Maryland side, for at that time a man and his wife was murthered, the woman, I suppose, being carried away into the woods and there destroyed, for nothing of her did I see. I was informed by a young Indian that at the fall of the leaf in 1698 there was an English child brought into the fort, and several Indians was got round about it, the child crying out as they were torturing it, but in a short time they cried out Pocondamon, Pocondamon! which is as much as to say, knock him on the head. These words being said, the child cried no more. I was informed by Choptyco Robin in his lifetime, that the Emperor was about to hire men to anoy the English and that they would kill some of them; if his own men were unwilling, then he would hire the Sinnachars, that are at the back of them, but he said the Emperor had no need to do that, for there was Esquire Tom and his men was ready to do any mischief, and further he bid me to be sure not to go up to the mountains in June and July, for if you do, then

1700.

perhaps the Emperor will deliver you up to the English as the murderer. Several other Indians told me the Emperor would do mischief at the head of the river this summer, in the year 1698. I was to be concerned in a murder with Squire Tom and eight more of his company of Thomas Pearson and family, and another family of one Humphry Peake, but was prevented, for, in coming down, Squire Tom, consulting of the business, thought it not convenient to cut off two families at once, and his reason was that, while they were about the last, they should be surprised. He said "It is better for us to kill the women and children; that is easier done, and our pay is as great for a child as a man," and then did nominate and appoint to cut off Thomas Barton's family, and viewed the house and plantation. A week after the murder was committed of said family, two young Indians told me Esquire Tom was gone a great way off for fear of the English. They said he was at the head of the River at the committing of the murder, with 8 of his men. There is a Frenchman amongst the Emperor's Indians.

xii. (3) Governor Nicholson to Lieut. Col. Mason. Ordering Monck to be sent to James Town to be examined by the Council, if possible by Sept. 3, together with depositions of witnesses against him. On Sept. 4 I design to begin my journey for your parts. I hope I have got a boat ready, by help of which and others, I hope to get my horses over Potomack to Col. Addison's, in order to my going to Annapolis. I am very glad to hear you are all in peace. I am very well satisfied that ours and the Maryland Rangers see one another once a week, which I hope they will continue to do. And I would have you give Col. Addison a full account of all affairs. Enclosed is a letter for Governor Blakiston, with a copy of your letter about Monck, which must be sent to Col. Addison, and you may desire him to let you know if anything happens there concerning the Indians. As to what you write concerning Parson Waugh, I believe to be true. His Majesty's Attorney General is to take care of those affairs. *Copy.*

xii. (4) Governor Nicholson to Governor Blakiston. James Town, Aug. 23, 1700. Enclosing Col. Mason's letter, etc. I hope in God to be with you at the time appointed. I was very glad to hear that Capt. Hill was gone up to your Excellency's Government. *Signed,* F. N. *Copy. The whole endorsed,* Recd. Oct. 19, 1700.

739. xiii. Deputy Governor of North Carolina to Governor Nicholson. North Carolina, Aug. 12, 1700. We have lately heard that Col. Inglesby is coming in here our Governor. Since which we have had advice from Mr. Perry, who gives account that himself and Col. Ludwell waited on one Dr. Cox, who shewed them a patent

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granted by Charles I. to the Duke of Norfolk enrolled in Chancery now confirmed, including from the south branches of Nansemond to 35 degrees and two degrees westerly, which takes in our Province, and that there was a patent for a great part of the land called Norfolk granted from Governor Harvey in '31 to a son of the Duke of Norfolk, that Dr. Cox had some dispute with the Proprietors, of which, if your Excellency hath any advice, be pleased to honour me with it by ye bearer. *Signed*, Hender: Walker. Mr. Perry tells us that by reason of the said patent supposes it will be under your Excellency's Government of Virginia, which if so will be abundant satisfaction to myself, and that His Majesty had paid the passages of a great many French Protestants, who were to be settled by Dr. Cox in Pampticoe. H. W. *Endorsed*, Recd. Oct. 19, 1700, Read 22 ditto. 1½ *pp. Copy.*

739. xiv. Capt. Passenger to Governor Nicholson. Aug. 23, 1700. On the 20th instant I went to Elizabeth Town to sell the ship, but nobody cares to buy her, believing I cannot make a good title to her. Forty of the best of my men are sick. One died last night, and several more are very near that fatal stroak, and, forasmuch as the King allows every sick man 7 shillings a week ashore for their better support in England, I beg your Excellency to order somebody about Hampton that my poor men may be taken ashore on the King's account, and the money will be paid by the Commissioners of the sick and wounded seamen, as soon as the account sent for England. *Signed*, W. Passenger. *Endorsed as preceding. Copy.* 1¼ *pp.* [*Board of Trade.* Virginia, 9. *Nos.* 2, 2.i.–xiv.; *and* (*without enclosures*), 38. *pp.* 49–58.]

Aug. 28. **740.** Journal of Council of Trade and Plantations. Several papers, transmitted by Mr. Day to Lord Jersey (July 12), communicated to the Board by Mr. Secretary Vernon, read. Ordered that a copy be kept of the deposition of Daniel Johnson, junior.

Directions given for a representation upon the late reference from the Lords Justices relating to Smith.

Copy of an Order of Council, May 21, for recalling Mr. Day, and copy of Mr. Secretary Vernon's letter to Mr. Day of the 23rd, communicated to the Board by Mr. Vernon, read.

Mr. Solicitor General's report upon an Act of the General Assembly of Antego relating to Mr. Henry Symms, Sept. 1, 1697, read, and the remainder of the Acts referred to him, Aug. 8, read and considered. Directions given for a representation upon them, when the remainder of the Acts of the Leeward Islands now before the Board have been considered also.

Aug. 29. Representation upon the case of Daniel Smith signed.

Mr. Solicitor General's report upon Acts past in the General Assembly of Antego, 1697, read. Some of the said Acts read and considered.

1700.

A letter from Mr. Gilbert Heathcote, relating to the Customs on pitch and tar, and to the names of some persons to supply vacancies in the Council of Jamaica, was now received and read.

Aug. 30. Remainder of the Acts of Antego, 1697, considered. [*Board of Trade.* Journal, 13. *pp.* 164–167; *and* 97. *Nos.* 150–152.]

Aug. 29. Whitehall. **741.** Council of Trade and Plantations to the Lords Justices. In obedience to your Excellencies' commands, we have considered the petition of Daniel Smith and the papers thereunto annexed relating to his imprisonment in Bermuda for piracy, and his being now sent over hither in custody upon that account by Mr. Day, the present Lieut. Governor of the Bermuda Islands. We humbly report that the said Smith, having been committed to prison there by warrant of the said Governor, Dec. 22, 1698, expressing him to be a known, notorious pirate and sea-robber, and having upon that commitment lain in prison near 12 months, and some part of that time in irons, but no prosecution being made against him, he was in the end, upon his petitioning for a trial, admitted to bail till the next Quarter Sessions, and then, Jan. 18, $\frac{1699}{1700}$, no person appearing to inform against him, he was discharged by proclamation. Nevertheless, on April 12, he was again imprisoned by warrant from Mr. Gilbert Nelson, Chief Justice, for having committed piracy upon the high seas, and remained in prison, without trial or prosecution, till July last, when he was put aboard the *Marygold* by order of Mr. Day, in custody of Capt. Leonard White. Mr. Day has not given us any account of his having thus sent over the said prisoner, or of the particular crimes wherewith he stands charged, but Mr. Secretary Vernon having communicated to us, upon this occasion, some papers transmitted by Mr. Day to the Earl of Jersey, July 12, we do find amongst the rest a deposition made by one Daniel Johnson, junior, Jan. 12, 1698, wherein he declares that Daniel Smith had told him that he had been lately in the East Indies, where, meeting with the *Fancy*, whereof Capt. Every was Commander, and the vessel, in which he, Smith, then was, proving leaky, he went aboard the *Fancy*, and meeting with a vessel at sea they took her, and were informed by her of another large vessel of great value, which they also engaged and took, and had for each man's share about 1,200*l.* in silver and gold, and that the first land they came to was Eleutheria, one of the Bahama Islands, and then to Providence, another of the said Islands. We have been also informed that Smith after his arrival at Providence, during the Government of Mr. Nicholas Trott, was thereupon tried for his life and acquitted, and in confirmation thereof he has sent and exhibited to us a copy of the record of the said trial and discharge, under the public seal of those Islands and the hand of the then Governor Trott, as likewise a certificate of his having been so tried and acquitted, under the public seal and hand of the late Governor, Capt. Webb. We have in our hands a deposition made here by Wm. Brice, late Deputy Marshall of the Bermuda Islands, declaring, as Smith sets forth in his petition, that Day had employed him in treating with and proposing to Smith, whilst a prisoner in his hands, that if he would pay him 100*l.* he should be tried there and

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acquitted, but otherwise be sent over to England and hanged, but that Smith refused. It having been also represented to us in Smith's behalf that he only occasionally took his passage homewards in Every's ship from Madagascar, and was not concerned in any of the piracies committed by Every, we humbly offer to your Excellencies that the truth of that matter of fact may best be known by the records or memorials that remain in His Majesty's High Court of Admiralty relating to the trials of others of Every's crew, and by the evidences that were produced against them, and that the validity of the foresaid trial in the Bahama Islands for the absolute discharge of the said Smith may most properly be determined by the learned in the Law. *Signed*, John Pollexfen, Abr. Hill, Geo. Stepney, M. Prior. *Enclosed*,

741. i. Deposition of Daniel Johnson, junr., mariner, Jan. 12, 1698. *Abstracted in preceding representation. Signed*, Daniel Johnson, junr. *Endorsed*, Communicated to the Board by Mr. Secretary Vernon. Recd. Read Aug. 28, 1700. *Copy.* 1 *p.* [*Board of Trade.* Bermuda, 30. *pp.* 58–63; *and* (*without representation*), 4. *No.* 41.]

Aug. 29. **742.** Lieut. Lilburne to Wm. Blathwayt. By the incloased papers you will fiend how I have been yoused by the Irish cabal which abounds very much in this land, my engsien being one maikes me be haited, although I have done by them, when occation required, to the utmost of my endevouers to searve both English and Irish without any exception; but being I go seldom to any of the public houses, I am not for them. It will not agree with my constitution to sot and drink, and is no wayes commendable in any man, much more in a Commanding Officer. I have by Col. Handisied's letter none but your honor to rely on to be my friend. It would be very convenient to send some men to relieve; some of the company what caieme the last year were sick, or had not sent any of them back. *Signed*, W. Lilburne. *Endorsed*, Recd. Read Oct. 23, 1700. 1 *p. Addressed*, A Letter to Wm. Blanthwayt, Esq. *Enclosed*,

742. i. Abstract of preceding letter and of the papers enclosed. 2¼ *pp.*

742. ii. Muster-roll of the Company at Newfoundland, Aug. 29, 1699. 1 *p.*

742. iii. Muster-roll of the Company at Newfoundland, Aug. 29, 1699. 1 *p.*

742. iv. Copy of complaints against Lieut. Lilburne per Ensign Humphrey Haven. (1) When the fort took fire, he got his chest out and there stood crying and wringing his hands and never offered any assistance. (2) He applies the money the King allows for fire and candlelight to his own use. (3) He lays in Irish shoes and stockings and obliges the soldiers to buy of him only at excessive rates, and permits them to sell them again to the inhabitants. (4) He seized a runaway servant, but set him at liberty again for two guineas. (5) He

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would not grant any warrant for bringing people before him, without first receiving 18*d*. (6) He threatened the Ensign for telling him he used the soldiers like slaves. (7) One Clark, coming to complain of his servant, was not suffered to speak, but was clapped in irons. (8) Last year he would not suffer a Captain to keep his fishing place, which obliged him to go to another harbour. (9) He imprisoned and otherwise ill-used Mr. Ben, a merchant. 1¾ *pp.*

742. v. Lieut. Lilburn's reply. I stayed in the Fort till I was ordered out, and but for me the men would have been burnt in their beds. (2) The King's allowance was always properly laid out. There was no want, but to supply the Ensign's and others' extravagances. (3) I never obliged the soldiers to buy of me, nor imposed on those that did. (4) I received nothing from Capt. Richard's man, but let him go because otherwise I should have had to keep him all winter. (5) I never took money for warrants, though sometimes skins, etc., have been presented to me. (6) I made the soldiers work at palisades, for which I gave them drink and provisions. The Ensign would have made them mutiny. (7) and (9), My treatment of Clark and Mr. Ben was occasioned by his abuse of me. (8) Untrue. (9) The Ensign when drunk has often drawn his sword and tried to stab me, and falls a beating of the soldiers. 3 *pp.*

742. vi. W. Lilburne to Capt. Stoford Farburne (Fairborne) H.M.S. *Tilbury*. Aug. 14, 1700. I am sorry I should commit anything to displease you, so as to cause a confinement. Wherein I have disobeyed your commands I am a stranger, or what power Capt. Richards has to take from me the command of the Company. The provisions for which I am responsible have arrived and no care is being taken of them. *Signed*, W. Lilburne. *Copy*. 1 *p.*

742. vii. "A copy of the yousidge (*usage*) whilst in confinement 28 days." Lieut. Lilburne's account of his being suspended from command by Capt. Fairborne and confined to his chamber, after fighting a duel with Capt. Holsworth. *Very incoherent. Signed*, W. Lilburne. 2½ *pp.*

742. viii. Certificate of Masters of Ships in favour of Lieut. Lilburne. St. John's, Aug. 17, 1700. 39 *signatures*. 1 *p.* [*Board of Trade.* Newfoundland, 4. *Nos.* 15, 15.i.–viii.]

Sept. 2. **743**. Journal of Council of Trade and Plantations. The Representation upon the Acts of the General Assembly of New York, which was signed Aug. 19, not having yet been laid before the Lords Justices, by reason that there has been no Council since that time, their Lordships upon some doubt relating to the Act for preventing vexatious Suits, etc., ordered the following querie to

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be sent to Mr. Solicitor General: "Whether the enacting clause be only of force to prevent all future prosecutions upon anything that was done in the late Revolution of that Province, or whether it can be extended to bring actions for the recovering back of anything that has been levied by virtue of any former judgements or executions?" [*Board of Trade.* Journal, 13. *p.* 170; *and* 97. *No.* 153.]

Sep. 3. **744.** An account of the River Mechasippi, and of the Indian villages on its banks, by Monsr. de Tonti, Governor of Fort St. Louis, in the Illinois Country. *Endorsed*, Recd. from Mr. Blathwayt, Read Sept. 3, 1700. $4\frac{3}{4}$ *pp. French.* [*Board of Trade.* Plantations General, 5. *No.* 77.]

Sep. 3. Whitehall. **745.** William Popple to Sir John Hawles. The Council of Trade and Plantations having some doubt upon one of the Acts of the General Assembly New York, on all of which you lately reported to them your opinion, desire more particularly your opinion whether the enacting clause in the said Act, for preventing vexatious suits, etc., be only of force to prevent all future prosecutions upon anything that was done in the late Revolution of that Province, or whether it can be extended to bring actions for the recovering back of anything that has been levied by virtue of any former judgments or executions. Your answer is desired with speed; because their Lordships' report is otherwise ready. [*Board of Trade.* New York, 54. *p.* 386.]

Sep. 3. Boston. **746.** Isaac Addington to William Popple. Inclosed are the Minutes of Council, March 28, 1700—July 17, and the Journal of the General Assembly, May 29, and the Acts and Laws then passed, by the *Elizabeth.* This province is in present quiet, but the Government are not without just fears and jealousies of an eruption and general insurrection of the Indians, who seeme to be fastened to the interests of our ill neighbours the French, being debauched by the priests and Jesuits that are sent among them. His Excellency has lately summoned the Sachems and principal Indians of the Five Nations to attend him at Albany, in order to recover or prevent their defection, the issue whereof is not yet known here. It would greatly endanger His Majesty's interests in these territories, if the Indians should enter into a general combination; our frontiers are of so large extent that it would be impracticable to secure our towns from their inroads, and it's no less difficult to have access to the Indian settlements, which are far remote in a dismal wilderness, and their manner of living far different from the English. This Government have ordered the erecting of a Fort and Trading House at Casco Bay, which is now in doing, and may probably prove of some advantage to engage the Indians by making reasonable supplies to them, and to check their insults, if they should break forth into rebellion. *Signed*, Isa. Addington. *Endorsed*, Recd. 4th., Read Nov. 6, 1700. 2 *pp. On third page, note by William Popple (?).* Capt. Robinson will be going for N. England about February next; and may be heard of at the *Sun* Coffee-House, behind the Exchange. *Annexed,*

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746. i.-iii. Memoranda of Minutes and Laws referred to in preceding. [*Board of Trade.* New England, 11. *Nos.* 10, 10.i.-iii ; *and* 38. *pp.* 288—290.]

Sep. 3. **747.** John Feild and others to the Council of Trade and Plantations. We understand there is lately come from Maryland an Act entitled An Act for the Service of Almighty God, etc., of like nature with those made 1692 and 1695, and repealed by the King in 1696, 1699. And it being customary for laws made there to stand in force till repealed here, have for above nine years proved very injurious to many antient planters and none of the least traders there, (1) by depriving them of the quiet enjoyment of the liberty of their consciences; (2) by their being strictly executed by chargeable levies ; (3) by having no limited time fixed for those laws made there to stand in force, if not allowed by the King. We entreat you to represent that the law be repealed. *Signed*, John Feild, E. Haistwell, Mord[a] Moore, Theodor Eccleston. *Endorsed*, Recd. Read Sep. 3, 1700. 1 *p.* [*Board of Trade.* Maryland, 4. *No.* 11 ; *and* 9. *pp.* 510—512.]

Sept. 3. **748.** Minutes of Council in Assembly of Barbados. With the concurrence of the Assembly to the petition of Joseph Hole for a drawback of 12 pipes of Madera wine turned sower, ordered that an order be drawn on the Treasurer accordingly.

Petition of Col. Richard Williams to be relieved from ten servants of the country, who had been put upon him for his failure in not having his land run out pursuant to the Act, was referred to the Assembly, who returned it rejected. £18 paid to William Holder for one Xtian white servant put on the country.

Petition of Samuel Cox, attorney to Capt. Anthony Phillips, to be paid for white servants according to the Act of 1696, recommended to the Assembly.

The Address of the Assembly to pay George Peers, Keeper of the Stores, his salary and to continue him in his office, was approved of. Ordered accordingly.

On the address of the Assembly, salaries ordered to be paid to William Rawlin, Clerk of the Assembly, and to William Woodhouse, Marshal of the Assembly.

The Assembly presented the Board with an Act for the Remission of fines of the late Grand Sessions, which was read twice and sent back to them with some amendment. The House concurred with the amendment, and the Bill was ordered to be read a third time.

Notice ordered to be given that writs of error will be heard this day four weeks.

Commissioners of forts and stores ordered to meet this day three weeks.

Committee appointed to consider Magnus Popple's proposals about making a mold or harbour.

His Excellency recommended to the Assembly that they would take into their considerations the donations, which have been given for charitable uses, that they may be employed accordingly.

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The Hon^ble. Thomas Sadleir, Esq., late Treasurer, his account of disbursements for servants imported, and the charge of them, together with a minute of the Assembly of Aug. 19 last, was presented by the Assembly to His Excelleney and the Council.

Ordered that all petitions, relating to the country's servants placed by several of the Collectors on the petitioners, whereby they suppose themselves aggrieved, be heard peremptorily next Council day of course, and that notice thereof be put up by the Secretary at the most public places in the Bridge Town. [*Board of Trade.* Barbados. 65. *pp.* 531—534.]

Sept. 3. **749.** Minutes of Assembly of Barbados. The members were called over, and Alexander Walker was fined for his absence.

Petition of Richard Williams rejected, it being found that he had been and was a delinquent in the Militia.

Treasurer's account for servants considered.

Joint Committee appointed to consider Magnus Popell's proposals for making a harbour between St. Michael's town and the Bay.

The House took into their consideration that some ways and means may be found that all former donations not already applied to the uses by the donor intended, may be altered and applied towards the building of the Free School. Ordered that the representatives of each parish do make the best enquiry they can of what donations and charitable gifts have been made or bequeathed, and inquisitions thereof had, and the same to report at the next sitting of the Assembly.

Ordered that the Secretary of the Island and the Register of the Court of Chancery lay a list of all donations, *etc.* entered in their offices, before the House.

Bill ordered to be brought in relating to the accounts of Richard Salter, deceased, formerly Treasurer. Ordered that the public shall have credit for the labour of the servants that were lately in the custody of the Honourable Thomas Sadleir, as far as they shall be allowed for the doctor's accounts.

The House adjourned till this day four weeks.

And see preceding abstract. [*Board of Trade.* Barbados, 65. *pp.* 567—570.]

Sept. 3. **750.** Journal of Council of Trade and Plantations. Mr. Stepney communicated to the Board, from Mr. Blathwayt, a relation concerning the River Mechasippi made by M. de Tonti, Governor of Fort St. Lewis in the country of the Illinois.

Mr. John Feild, Mr. Mord^a. Moore, Mr. Edward Haistwell, and Mr. Theodore Eccleston presented a memorial against the Act for the service of Almighty God, past lately in Maryland. Desiring to be further heard, whenever that Act came under consideration, they were directed in the meanwhile to lay before His Majesty's Attorney General (with whom the Act now is) their reasons against it in point of law.

An Act of the Assembly of Mountserratt, past there April 9 last by Col. Fox, to prevent disputes through the payments of money in lieu of commodity made in this Island etc., was laid

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before the Board, and ordered to be kept till the remainder of the Acts past by Col. Fox in the other Leeward Island(*s*) come also to hand.

Mr. Solicitor General's report upon Acts of Antigoa, 1698, read.

Sept. 4. Mr. Pollexfen communicated to the Board a paper entitled "The present State of Justice in the American Plantations." Copy ordered to be kept.

Sept. 5. A letter to Mr. Secretary Vernon in answer to one from the Earl of Jersey, June 17 last, relating to the Trade between England and the Venitian Dominions, was agreed upon, signed and sent.

Acts of Antego, 1698, considered.

Sept. 6. Acts of Antego, 1698, considered. The Act of Antego, Jan. 1698-9, for billeting soldiers, and Mr. Solicitor General's report thereon, read and considered. [*Board of Trade.* Journal, 13. *pp.* 171-175; *and* 97. *Nos.* 154-157.]

Sept. 4. **751.** The Present State of Justice in the American Plantations, and particularly in Barbadoes, with some thoughts how the same be amended. On the first settlement of the Plantations, controversies were decided in a summary way by some of the principal inhabitants, who were thereunto commissioned by the King. In process of time, as cases multiplied and were found too intricate, Courts were erected in imitation of those in England. This in Barbadoes was done by an Act of the Governor, Council and Assembly. The Island was divided into five precincts, each precinct to have a Judge and four Assistants, appointed by commission under the hand and seal of the Governor, giving them or any three of them power to determine all civil causes in their several precincts. These commissions were to continue during the pleasure only of the Governor. Another Act was made declaring the Governor and Council to have the whole power of petitions in equitable causes, and to hear and determine all writs of error. Under this model the administration of justice was at first much more tolerable than afterwards, because suits were fewer and less intricate, the forms used both in Law and Equity were plain and short, niceties in pleading were not understood. The Judges commonly guessed at the right side of a cause by their natural reason, and the matters controverted were seldom so considerable as to give a sufficient temptation to injustice. If wrong were done, it was done soon and without great expence of time and money, as at present. In many cases speedy injustice is less grievous than dilatory justice.

As suits grew more numerous and important, encouraged by profit and compelled by necessity, many clerks and other such small dealers in the Law went thither from England, who though ignorant of the Law, yet had so much knowledge of the forms as to be able to perplex, delay and confound all the business of the Courts, the Judges and Assistants being wholly unknowing of the forms as well [*as*] of the Law, and thereby incapable of regulating the said disorders which multiplied and do still multiply every day; nor could any other be expected, since they always were, and still are, made of the Planters, Merchants or other inhabitants never bred to the Law. Hence proceeds the custom

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in that Island to influence their Courts by the written opinions of Council sent over out of England, and the custom that if any authority of law be urged to the Court out of a Latin or French book, an interpreter is immediately sworn to interpret the same to the Judge and his Assistants. One reason why they are no better furnished with Judges, is, that little or no salaries are allowed them, only some small perquisites, insomuch that the place of Provost-Marshal or Jaylor of the Island is esteemed to be worth more than the income of all the said judges put together. Another reason is, because they hold their places during the pleasure only of the Governor, those places are so precarious and unprofitable the meanest clerk that goes over will not accept of them, but chuses to depend on the certainty of his own practice.

Writs of error on judgments given by these Judges are brought before the Governor and Council, in that Island called the Court of Errors. This Council commonly consists of about twelve of the principle gentlemen of the Island, who, how worthy soever they may be in other respects, cannot be proper and fit Judges in such cases, where the greatest niceties of Law are handled, unless they had some knowledge of the rules by which they are to proceed, for want of which infinite hardships have been suffered, and many gross and most unwarrantable judgments given. The Governor of the Island is usually made Chancellor by the King's Commission, having the power of making decrees in equity and restraining by injunction as he shall think fit all proceedings at Law. Being usually unacquainted with Law, they direct their proceedings by the advice of the Attorney or Solicitor General, who seldom fails of being Council of one side in the cause, and therefore cannot be supposed a proper director of the Supreme Justice of the Island. Whether therefore such a great trust can be discharged as it ought by any person, who has not at least some small knowledge of Law and Equity, and especially since the said Court doth now proceed according to the forms of English Chancery, is submitted to consideration; the business of the Court of Chancery being much greater and fuller of difficulty since the introduction of the said forms. This Court sits but one day in a month of the nine Law months, and about two hours a day, so that about 18 hours in the year is thought sufficient to determine all the equitable business of that Island, though, by reason that Court sits so seldom, many plain causes, which might be determined in one hour, are kept on foot there many years to the great charge and vexation, and often to the ruin of persons concerned therein, the proceedings there being much more chargeable than in the High Court of Chancery in England. The cost of appeal to His Majesty in Council makes a due and regular Administration of Justice in the Plantations the more necessary.

It may be worthy of consideration, whether in so small an Island, the number of thirty nine inhabitants at one time in judicial places does not introduce many partialities, especially in cases where suits are carried on for inhabitants in England against those in the Plantations, and whether the Acts of Trade and Navigation are like to be best executed to the advantage of England under such a model.

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The custom of making yearly presents to the Governors by the Assembly, amounting commonly to £2,000 per annum, sometimes more, and this raised by an excise on liquors imported into this Island by English Merchants, may likewise deserve consideration, and whether it would not conduce more to His Majesty's service and the good of his people that the profits of all Plantation Governments were made more certain, the present practice having been found by experience to produce many partialities and other irregularities disadvantageous to His Majesty, and extremely prejudicial to many of his people, for the Plantation inhabitants are always indebted to those of England, and the latter are much mistaken if such large presents made by their debtors does not conduce much to the difficulty they find in recovering their just debts. And whether the Acts of Trade and Navigation are not the worse executed in some Colonies in regard of such presents may be worth inquiry.

It may likewise deserve consideration whether the measures of Government and Administration of Justice heretofore used in the Plantations at their first settlements, when they were but thin of people, and of little importance to this Nation, are fit to be still continued when they make so considerable a part of His Majesty's Dominion, the small Island of Barbadoes alone by a reasonable computation producing to the proprietors alone £300,000 per annum, to His Majesty by Custom of their product imported into England about £70,000, by the duty of 4½ per cent, as paid in the Island, about £11,000, besides the great number of ships they employ and many thousands of hands in English manufactures.

It has bin hitherto the principle objection against any regulation of justice in the Plantations that they were first peopled, and continue still to be supplied by numbers of indigent persons,who escape thither to be easy from their creditors, that the difficulty of having justice in the Courts there is their chief security, and that if they do not find such protection there, it will ruin the Plantations. To this it is answered, that though it may be reasonable perhaps by an express law to exempt all persons from imprisonment in the Plantations, or to give them other certain and known privileges, who are employed in planting or other bodily labour, or who have not sufficient to answer their creditors, yet to continue a most corrupt and dilatory course of justice in favour of such poor debtors, and thereby to exempt in a great measure those of great estates, several planters having now two or three thousand pounds per annum, from Law and Justice is so far from encouraging the Plantation Trade, that no one thing does contribute more to the discouragement thereof. On the first settlement of the Plantations, particularly in Barbadoes, they planted tobacco, ginger and cotton, and then any man that had instruments for digging and clearing the ground, could manage a small Plantation himself, without any stock or other help, and then a relaxation of justice might be of some encouragement to carry such people thither, but since the setting up of sugar works in that island, about 50 years since, the planting of tobacco, cotton and ginger is in a great measure disused as

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unprofitable, and no sugar work can be managed without a considerable stock; such a work with negroes and other things sufficient to employ one wind-mill only, which is the smallest sort of sugar work, will not cost much less than £5,000 sterling. Whatever then is done to secure the certain possession of purchasers or reimbursement of sums advanced by Adventurers, would best promote that trade, which like all others must in a great measure be carried on by credit. For want of such security nothing is more evident than that the Plantation Trade has suffered more than it did ever by the double imposition formerly laid on their sugar in England: for the Planters wanting necessary credit in England for carrying on their Trade, and where they are trusted they are now made to pay very dear for it, because of the great difficulty of having justice against them, if they fail of payment, several English merchants have heretofore employed great sums on Plantations in that Island, but many of them having been great sufferers, and many others ruined for want of justice there, and the children of others after the parents' death having been miserably used there, and defrauded of great estates; (insomuch that few instances can be given where children under age have not been so used there), the merchants of England are grown too cautious to venture much in trade, which, for want of justice, proves so pernicious to them. They find more security and better and more speedy justice in the most distant provinces of the Ottoman Dominions from their Bashaws than they do in some of the American Colonies; so that they will trade to the first for a much less profit than to the last.

It is grown a proverb with the English merchants that, if a man goes over never so honest to the Plantations, yet the very air does change him in a short time. But it is not the air; it is the universal corruption of justice. The root of most grievances there, then, is that some persons fitly qualified are not appointed for the Chief Justice or other two Judges to sit on writs of Error only, or principally, depending on the King, and not subject to be removed at the pleasure of the Governors, by whom justice might be administered; which judges or Civil Magistrates might, on extraordinary occasions, be controlled by the Governor and Council, as is practised in the Colonies of all other nations.

Proposals for regulating Justice in Barbadoes. His Majesty to appoint one person well skilled in the Law and Equity, and two others skilled in the Law, the first by name of Chancellor or Chief Justice to have the whole power of Equity in him, and be obliged to sit at certain times appointed by his Commission, from whose decrees an Appeal may be allowed to the Governor and other two Judges to be brought within —— days, which on their joint concurrence within —— days may be by them reversed; but in all cases both of decrees and judgments the power, hitherto used, to be still continued to the Governor of staying execution and granting an Appeal to the King. The other two Justices to sit in the five precincts of the Island mentioned above, one to sit in three of them, and the other in two, and so alternately. Some certain days in each of the nine law months to be appointed for the Chief Justice or other two Judges to sit on writs of Error,

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but no judgment to be reversed but by the joint consent of the Chief Justice and of the other Justice, who did not give the judgment. Criminal matters, or Pleas of the Crown, to continue to be decided in the General Sessions, the said three Judges presiding therein, and they may be joined in Admiralty Commissions. Such Judges should not be suffered to take any present, though from the General Assembly, unless they by the King's consent do make the same a constant establishment for all future Judges, for what seems to be the gift of a General Assembly is more properly the gift of some few persons, who are the leaders, and expect to be considered in a particular manner for such service. If sufficient salaries be not allowed to encourage persons of ability to take these employments, the Plantations would not be much advantaged by such alteration. Perhaps, then Commissions should be for — years on good behaviour, and after that during pleasure only. Their salaries might be allowed out of the 4½ per cent. or out of the £4,000 which the Island annually raises for presents they bestow. Most of these alterations may be made by the King's prerogative; the rest may be recommended to be past into a law in the Island, and, if they should be found wanting to themselves, an Act of Parliament in England may supply it. The chief grievance in the Island is the frequent adjournments and other mismanagements of the Court of Chancery, and if a thorough reformation of Justice there must not be expected, it would be a considerable amendment that a Deputy or Assistant to the Governor be appointed, who should preside in Chancery to award processes, etc. For it is by the great delays and unskilfulness in awarding the processes that suits are there spun out to such a length, and so many persons ruined. *Endorsed*, Communicated to the Board by Mr. Pollexfen. Recd. Sept. 4, 1700. 17½*pp.* [*Board of Trade.* Plantations General, 5. *No.* 78; *and* 35. *pp.* 311—331.]

Sept. 4. James City. **752.** Journal of Council of Virginia. His Excellency laid before the Council a letter etc., from Lt. Col. George Mason, etc., August, 1700, concerning the apprehension of an Englishman named Thomas Monck, who had been some time with the Indians, and was supposed could discover something of the barbarous murther lately committed by the Indians in Stafford County. Monck's confession was considered and he was ordered to be committed without bail.

Governor Blackiston's letter to His Excellency, August 7th, 1700, was laid before the Council, in which was enclosed an account of a conference held in Maryland, July 3, by command of His Excellency of Maryland, betwixt Phillip Hoskins and William Dent of Maryland and the Emperor of Pomonker Indians in Maryland.

Several papers and letters relating to piracies said to have been committed by Samuel Bush and others, inhabitants of Norfolk County, were referred to the Attorney General, who reported that, as it did not appear that any evidence had been given upon oath to prove the matter of fact, he was of opinion that no judicial process can be made, till such evidence is produced.

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Simon Alderson, bound over to answer at the next Court held for Norfolk County on account of some words by him spoken concerning piracies heretofore said to have been committed by Samuel Bush, prayed for a *dedimus* for the examination of witnesses in Princess Anne County. His Excellency decided that this belonged to a judicial process at law, and was not within their cognizance; but to the end that all legal means might be used for discovering and punishing such practices, ordered that the Magistrates of Norfolk and Princess Anne County do take the depositions of all such persons as shall be brought before them, relating to the abovesaid offences, and return copies thereof to the Council Office.

His Excellency laid before the Council Mons. de Saille's deposition concerning the *Mary Ann*, and correspondence on that subject, Aug. 24, 27, etc. The Council was of opinion that nothing further can be offered in that matter.

Mr. Bartholomew Fowler, His Majesty's Attorney General, representing that many matters of great difficulty and importance do daily arise and come within the verge of that office, which requires great knowledge and experience in the Laws of England, and the most intense application both of body and mind, and reflecting upon his own little knowledge and experience and his weak and sickly constitution of body, prayed to be discharged. His Excellency and Council, aware of his bodily infirmities, and acknowledging his faithful and prudential management of that office, granted his petition.

Ordered that he prosecute all matters and suits now depending, and by him brought in His Majesty's behalf, and that he take care of what has been formerly given him.

Ordered that all Navigation bonds, upon the expiration of 18 months, according to the proclamation, April 26th, 1699, be put in prosecution.

Ordered that all Naval Officers do from time to time render an account to Mr. Attorney General of what Navigation bonds and others relating to trade by them are here taken.

His Excellency laid before the Council Capt. Passenger's letter, Aug. 19th, setting forth the damage he has sustained in the *Shoreham* (Aug. 27, No. 739, xi.) Ordered that he carry her up Elizabeth River as soon as possible and careen her, applying for all necessaries to Major James Wilson and Capt. Sam. Bush, who are hereby empowered to supply him with stores and impress workmen, if need be, for the necessary repairs. Accounts, signed by Capt. Passenger, to be transmitted to His Excellency.

His Excellency laid before the Council a letter from Capt. Passenger, Aug. 28th, representing that 40 or more of his men are dangerously sick, and praying that care may be taken of them ashore. The Council very much approved His Excellency's action in having complied with his request.

His Excellency gave his third part of the *Providence*, condemned as prize, towards making landings at the two ports of the City of Williamsburgh.

His Excellency laid before the Council a letter from the

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Commissioners of Customs, April 17th, 1700, signifying that Richard Lee is approved Naval Officer for the whole district of Potomack.

His Excellency's letter to the Commissioners of Trade and Plantations, Aug. 27th, concerning the bounds of North Carolina, was read and approved. Upon reading His Excellency's letter to Mr. Auditor Byrd, Aug. 22nd, and Mr. Byrd's answer, Aug. 25th, concerning a true roll of His Majesty's rents, it is thought most proper to be done at or after the removing the Records to William and Mary College, and that the Secretary and Deputy Secretary take care to make up and perfect a general Rent roll.

Whereas several matters of moment have been formerly recommended by His Majesty's Instructions, by the General Assembly, and by the Governor and Council to the consideration of the Committee appointed to revise the Laws, ordered that the aforesaid Committee be again reminded to have all due regard to the same.

Upon reading a letter from Lt. Col. William Randolph, Aug. 25th, setting forth that he is afraid several intrigues and devices are secretly practised to withdraw the French Refugees from their intended settlement, for preventing whereof as much as may be, and that His Majesty's Royal will and pleasure concerning them may have its desired effect, His Excellency, with the advice of the Council doth hereby strictly charge and require all His Majesty's loving subjects inhabiting within any of the Counties of Henrico, Charles City, New Kent and Surrey, that at their utmost peril they do not harbour, entertain or receive into their houses as retainers there any of the aforesaid French Refugees to the hindrance of their design of settlement. His Excellency's letter of Aug. 1st was read and approved.

Ordered that if in the absence of the Governor any insurrection, invasion by pirates or Indians should happen in this Colony (which God forbid), an express be sent to His Excellency by way first of Annapolis in the Province of Maryland, thence to Philadelphia, and so on to New York. The matters referred the last Council, by reason excessive rains and great floods have at this time prevented a full meeting of the Council, again referred to a full Council; as also the delivery of books and papers to the present Clerk of the Council. [*Board of Trade.* Virginia, 55. *pp.* 13–21.]

Sept. 4. **753.** Minutes of Council of Barbados. Bill for the remission of fines read a third time and consented to. The Provost Marshal returned a warrant for the apprehension of Ellis Smith, he not being able to be found. Attorney General ordered to draw up a warrant directing all constables and all other His Majesty's subjects to aid the Provost Marshal in securing the said Smith. [*Board of Trade.* Barbados, 65. *pp.* 534, 535.]

Sept. 5. Whitehall. **754.** Order of Lords Justices in Council. Approving and ratifying the 12 Laws of New York, recommended in the Representation of the Council of Trade and Plantations, Aug. 19th. (*No.* 723, i and ii). *Signed*, John Povey. *Endorsed*, Recd. 11th,

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Read 12th Sept., 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 24 ; *and* 54. *pp.* 388–390.]

Sept. 5. Whitehall. **755.** Order of the Lords Justices in Council. Approving in accordance with the Representation of the Council of Trade and Plantations, Aug. 19th, the Act of New York for granting to His Majesty £2,000, £1,500 whereof to be allowed to His Excellency Richard, Earl of Bellomont, and £500 to Capt. John Nanfan, L.G., and ordering that Lord Bellomont be permitted to receive the said sum intended him as a present. *Signed and endorsed as preceding.* ¾ *p.* [*Board of Trade.* New York, 10. *No.* 25 ; *and* 54. *p.* 390.]

Sept. 5. Whitehall. **756.** Order of Lords Justices in Council, that Capt. John Nanfan, Lieutenant Governor of New York, be permitted to receive the £500 intended him as a present by the Act mentioned in the preceding. *Signed and endorsed as preceding.* ¾ *p.* [*Board of Trade.* New York, 10. *No.* 26 ; *and* 54. *p.* 391.]

Sept. 5. Whitehall. **757.** Order of Lords Justices in Council, repealing the Law of New York for restraining and punishing privateers and pirates. *Signed and endorsed as preceding.* ½ *p.* [*Board of Trade.* New York, 10. *No.* 27 ; *and* 54. *p.* 392.]

Sept. 5. Whitehall. **758.** Order of Lords Justices in Council. In accordance with the representation of the Council of Trade and Plantations, July 25, Mr. Secretary Vernon is to prepare a warrant for their Excellencies' signatures, requiring Col. Codrington to swear and admit William Burt into His Majesty's Council of Nevis, and that he be continued in the same rank he has at present in that Council. *Signed*, John Povey. *Endorsed*, Recd. 28th. Read 30th Sept., 1700. 1¼ *pp.* [*Board of Trade.* Leeward Islands, 7. *No.* 1 ; *and* 46. *p.* 104].

Sept. 5. Whitehall. **759.** Order of Lords Justices in Council. Approving the Representation of Aug. 13, and ordering accordingly that Richard Lee be dismissed from attending the Council of Virginia. and appointing Lewis Burwell. Mr. Secretary Vernon to prepare warrants accordingly. *Signed*, John Povey. *Endorsed*, Recd. 9, Read 14 Oct., 1700. 1 *p.* [*Board of Trade.* Virginia, 9. *No.* 3 ; *and* 38. *pp.* 29, 30.]

Sept. 5. Whitehall. **760.** Order of Lords Justices in Council. Approving of the draught of a Commission (July 30th), constituting Capt. Benjamin Bennet to be Lieutenant Governor and Commander in Chief over His Majesty's Bermuda or Summer Islands. Mr. Secretary Vernon to prepare the same for their Excellencies' signature, in order to pass the Great Seal. *Signed*, John Povey. *Endorsed*, Recd. 11, Read 12th Sept. 1700. ¾ *p.* [*Board of Trade.* Bermuda, 4. *No.* 42 ; *and* 30. *pp.* 63, 64.]

Sept. 5. Whitehall. **761.** Order of Lords Justices in Council. Approving of the particular draught of Instructions, July 30, to the Lieutenant Governor

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of Bermuda for putting in execution the several laws relating to Trade and Navigation, and directing Mr. Secretary Vernon to cause the said draught to be prepared for their Excellencies' signature accordingly. *Signed*, John Povey. *Endorsed*, Recd. 11th, Read 12th Sept., 1700. ¾ *p.* [*Board of Trade.* Bermuda, 4. *No.* 43 ; *and* 30. *p.* 64.]

Sept. 5. Whitehall. **762.** Order of Lords Justices in Council, that Mr. Attorney and Mr. Solicitor General forthwith prepare a Commission to pass the Great Seal of England to Capt. Benjamin Bennet, Lieutenant Governor and Commander in Chief of the Bermudas, and other persons proposed by the Representation of the Lords Commissioners of Trade and Plantations, July 30th, for the trial of pirates there, pursuant to the late Act of Parliament for the more effectual suppression of piracy, in like manner as has been lately directed for His Majesty's other Plantations in America. Signed, John Povey. *Endorsed*, Recd. 11th Sept., Read 12th Sept. 1700. 1 *p.* [*Board of Trade.* Bermuda, 4. *No.* 44 ; *and* 30. *p.* 65.]

Sept. 5. **763.** Minutes of Council of Massachusetts Bay. Whereas sometime since, upon notice of mortal contagious sickness prevailing and being epidemical in Barbados and other places in the West Indies, His Excellency ordered the Captain of the Castle to stop all vessels arriving from those parts, and forasmuch as the said sicknesses are abated, advised that the said order be recalled, so as notwithstanding the Captain of the Castle observe the directions in the Law entitled An Act for the better preventing of the spreading of infectious sicknesses.

Advised, that 20*s.* per week be allowed Mr. Jonathan Remington, Minister, who was invited to go to His Majesty's Fort at Saco, as Chaplain of the Garrison and to instruct the Indians. £10 ordered to be paid to Major Nathaniel Thomas for his disbursements in subsisting soldiers lately levied to go Eastwards. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 12, 13.]

Sept. 5. **764.** Journal of Council of Virginia. Proclamation, declaring the Honourable William Byrd President during the absence of the Governor, was approved, signed and ordered to be sealed and published. The appointment of a successor to Bartholomew Fowler as Attorney General was recommended to the care of His Majesty's Council.

His Excellency read some instructions from the Lords Justices, to be observed by the President and Council in his absence. These were then sealed up and left on the Council table. [*Board of Trade.* Virginia, 55. *pp.* 21, 22.]

Sept. 6. **765.** Solicitor General to the Council of Trade and Plantations. I am of opinion that the enacting clause of the Act for preventing vexatious suits in New York not only prevents all future prosecutions for anything that was done in the late Revolution of that Province, but will also discharge any judgment and any executory

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execution had thereupon after the first day of the Assembly in which the said Act was made ; but will not entitle a defendant to recover back anything actually levied upon such judgment and paid to or received by the Plaintif. *Gives examples. Signed*, Jo. Hawles. *Endorsed*, Recd. 7th. Read 9th Septr., 1700. ¾ *p.* [*Board of Trade.* New York, 10. *No.* 28 ; *and* 54. *pp.* 387, 388.]

Sept. 7. Bath. **766**. Jahleel Brenton to William Popple. Yours of August 27th I received the 5th instant, wherein you acquaint me with their Lordships' pleasure to hear my objections to the Act of the Massachusetts Bay establishing Ports, *etc.* There are too many Ports thereby appointed and most of them are useless, for there is not one vessel belonging to several of them, nor has there been in all my time one vessel that has laded or unladed in some of them, except it has been clandestinely and with such goods as are prohibited by law. Sir, I came here in hopes to cure a malady, which if I cannot remove will in a little time be too hard for me, *etc. Signed*, Jahleel Brenton. *Addressed*, For William Popple, Esq., at the Cockpitt, Whitehall. *Endorsed*, Recd. Read Sept. 9th., 1700. 1 *p.* [*Board of Trade.* New England, 11. *No.* 11 ; *and* 38. *p.* 200.]

Sept. 7. **767**. Journal of Council of Virginia. William Byrd, President of His Majesty's Honourable Council during His Excellency's absence, took the oaths appointed and subscribed the Association and Test. [*Board of Trade.* Virginia, 55. *p.* 22.]

Sept. 9. **768**. Journal of Council of Trade and Plantations. Mr. Brenton's letter of Sept. 7th., containing some objections against the Act of the General Assembly of the Massachusets Bay relating to the Establishing of Sea-ports, received and read. Ordered that the Secretary write to Mr. Samsom, to desire to know the opinion of the Commissioners of the Customs, whether it be for His Majesty's service that the said Act be confirmed or not.

Mr. Solicitor General's answer to what write him (*sic*) the 3rd inst., relating to the Act of the General Assembly of New Yorke, for preventing vexatious suits, *etc.*, was read.

Acts of Nevis, April 1st, 1698, and Mr. Sollicitor General's report upon them read and considered. Ordered that Col. Jory be desired to attend the Board about the first and last of the said Acts.

Sept. 10. Upon occasion of the objection, mentioned in yesterday's Minutes, against one of the Acts of the Massachuset Bay, their Lordships reviewed several others of the said Acts, and gave some further directions in order to a report, and letters to be writ thereupon, when necessary.

Mr. John Feild and Mr. Theodore Eccleston desired that the Memorial, which they and others lately laid before this Board, against the confirming of the Act of the General Assembly of Maryland, For the Service of Almighty God, *etc.*, might be sent by their Lordships' order to Mr. Attorney General, that he may consider the same with what else they shall offer to him upon that

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subject. Ordered accordingly. Mr. Sollicitor General's report upon the Acts of Nevis, Jan. and Feb. $169\frac{8}{9}$, read. Two of the said Acts also considered.

Sept. 11. Col. Jory attending as he had been desired, their Lordships enquired several things of him relating to the Acts of the General Assembly of Nevis that have been lately read, and then gave some directions in order to the preparing a Representation thereupon.

The remainder of the Acts of that Island being also laid before the Board, Mr. Solicitor General's report upon those past there March 25th and Aug. 8th, 1699 was read, and all the said Acts were also read and considered. [*Board of Trade.* Journal, 13. *pp.* 175–178 ; *and* 97. *Nos.* 158–160.]

Sept. 10. Whitehall. **769.** William Popple to Sir Thomas Trever. The Council of Trade and Plantations having been moved by several persons against the confirming of an Act of Maryland, entitled An Act for the Service of Almighty God, etc., which I sent you with several others July 30 last, I am now further directed to send you a copy of the memorial upon that subject. [*Board of Trade.* Maryland, 9. *pp.* 512, 513.]

Sept. 10. Montreal. **770.** Copy of the Governor of Canada's pass to L'Esperance, giving him leave to go from Montreal in a canoe, with the Frenchman, Brossard St. Sauveur and Jean the Englishman, to Orange or Menade, to seek his sister and brother-in-law who have been taken there by the English from the hands of the Iroquois, who had made them prisoners. They are forbidden to carry any beavers or peltry whatsoever. *Signed*, le Chevalier de Callières. *Inscribed, par Monseigneur Hauteuille.* 1 *p.* [*America and West Indies.* Canada, 485. *No.* 1.]

Sept. 10. Whitehall. **771.** William Popple to John Sansom. The Council of Trade and Plantations command me to send you the inclosed copy of an Act of the Massachusetts Bay, May 25th, 1698, relating to the establishing of sea-ports, together with a copy of Mr. Solicitor General's report thereupon. Mr. Brenton having signified his opinion that there are too many Ports appointed thereby for that Province, their Lordships desire the Commissioners of the Customs would please to give them their opinion, whether it be for His Majesty's service that the said Act be confirmed, or no ; and to this I am to desire your answer with what speed yo cuan, because their Lordships do defer to lay before their Excellencies the Lords Justices a report, which they have already prepared upon several other Acts of the General Assembly of that Province, until they can determine what opinion to give upon this. [*Board of Trade.* New England, 38. *p.* 201.]

Sept. 11. Custom House, London **772.** Mr. Sansom to Mr. Popple. I have communicated to this Board your letter of the 10th inst (*preceding*). The Commissioners, thinking it necessary to have Mr. Brenton's opinion, have wrote to him at Bath, requiring him speedily to return his thoughts to

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them upon that matter. *Signed*, Jno. Sansom. *Endorsed*, Recd. Read Sept. 12, 1700. ½ *p.* [*Board of Trade.* New England, 11. *No.* 12.]

Sept. 11. Whitehall. **773.** Order of Lords Justices in Council, approving the Representation of the Council of Trade and Plantations, August 2, and ordering that they signify their Excellencies' pleasure to Col. Codrington to commissionate persons in the Island of St. Christopher's to enquire into the truth of the complaints of John Cole, etc., against the Lieutenant Governor, James Norton, and to transmit the evidence with his report thereupon. *Signed*, John Povey. *Endorsed*, Recd. Read Sept. 23rd, 1700. ¾ *p.* [*Board of Trade.* Leeward Islands, 7. *No.* 2; *and* 46. *pp.* 100, 101.]

Sept. 11. H.M.S. Tilbury, St. John's. **774.** Captain Fairborne to the Secretary to the Lords Commissioners for Trade and Plantations. Enclosed is the best account I could get of this country. And it is my opinion 'tis possible some amendment may be made in the Act of Parliament relating to this Trade, particularly in rinding of trees, to cover stages, etc., which occasions a very great destruction to the timber, which yearly decays by the same, and the Masters of ships, and others, may be obliged to cover their stages with board, which would be but a small expence. You may likewise observe in my answers that the New England vessels trade very much here, who do's carry considerable quantities of wines and brandy from hence, which is brought here by the merchant ships from France, Portugal and Spain, the duties of all which His Majesty is defrauded of. *Signed*, S. Fairborne. *Marginal notes by the Secretary* pointing out contradictions in the following Answers 2, 21 and 22. *Endorsed*, Recd. 8th. Read 11, Oct., 1700. 1 *p. Enclosed.*

774. i. An account of the Fishery, *etc.*, at Newfoundland, 1700, by Capt. Staffd. Fairborne. Tables of the harbours, ships, etc. 16 *pp.*, of which the following is a brief abstract :—

Number of fishing ships, 171.
Number of sack ships, 49.
Number of men, 4960.
Number of guns, 1298.
Number of ship's boats, 800.
Number of By-boats, 90.
Number of By-boat-keepers, 396.
Number of Train Fatts, 391.
Number of stages, 583.
Number of inhabitants, 3,773.
Number of inhabitants' boats, 674.
Estimated catch of fish per boat, 200 quintals, sold at (estimate) 22 royals per quintal.

Answers to Heads of Enquiries. (1) The inhabitants live by catching fish, then splitted, salted, washed and laid on flakes to dry, which will be a month before thoroughly cured. Their employment by winter is by sawing trees to make boards for

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building shallops, and some go a furring. (2) I have not observed any to go beyond the liberties granted them by the Act for Trading, Trafficking, *etc.*, or of cutting down trees for more than their necessary uses; neither do the Adventure(r)s or Inhabitants on any occasion whatever rind any of the trees or set fire to the woods of the country, or make any destruction of the woods, beyond what is necessary for their use in carrying on of the fishing trade, which can tend to the prejudice or decay of the same. (3) Some of the inhabitants, since 1685, had engrossed some stages, cook-rooms and other places, which before belonged to fishing-ships, but upon the arrival of the Admirals, and afterwards my own arrival, they have relinquished them to the public use of the fishing-ships arriving there. (4) The inhabitants and By-boat-keepers, *etc.*, that have possessed, do not now possess any stages, cook-rooms, train fats or other conveniencies which have belonged to any fishing-ships since 1685. (5). I have not observed but that the By-boat-keepers and fishing-ships are careful in carrying such numbers of Fresh men or Green men in proportion to their respective companies of seamen, and that they are furnished with such certificates of their having made oath before their sailing that they do carry such numbers of such men; and the inhabitants are careful in employing such numbers of Fresh men as the Act directs. (6) I have not found any persons presume to expunge or alter the marks of any boats, *etc.*, of other persons or remove them from the places where they have been left by the owners. (7) The Rules of the Act are observed. (8) I have not heard of any damage done to the stages. (9) I have not heard that any Admirals of harbours or other Commanders have engrossed more Beech or Flakes than they have necessary use for, or have hindered others against their right. (10) The Admirals are very careful to observe the Act. (11) When difficulties arise in any of the harbours, the Admirals thereof determine them. Appeal lies to the Commanders of His Majesty's Ships, to which both sides accordingly have submitted. (12) Care is taken about ballast and (13) observance of the Sabbath. (14) I have not heard of any aliens that have resorted thither to take bait or use any sort of trade or fishing whatsoever in those parts of Newfoundland or the islands adjacent belonging to His Majesty. (15) Great care is taken in curing the fish properly, and (16) disposing of the offal. (17) The land produces no other sustenance but deer, bear, and beaver. The inhabitants trade but little in furs, except in the Northern parts. (18) The greatest part of their provisions they have from New England, which is very considerable, some from England and Ireland, with salt, clothes, and fishing tackle. (19) Considerable quantities of rum and molasses are brought hither from New England, with which the fishers grow debauched and run in debt, so that they are obliged to hire themselves to the Planters for payment thereof. (20) The European commodities brought hither from other places are wines, brandy, oil and salt from Spain, Portugal, and France, in great quantities, which pay no duties. (21) These are disposed of to the inhabitants, fishermen and seamen. I have not found

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that they have driven any trade by selling those effects to any ships belonging to New England or any other of His Majesty's Plantations. (22) I do not find that any Plantation commodities are brought thither, except sugar and tobacco, which is considerable, and that sold to the inhabitants. (25) The value of train oil is £12 per ton. (27) There being great wages given to men in New England, makes men desirous to go there, and frequently attempts it, though discouraged by the Masters of ships. (28) The inhabitants of new England doe exercise the fishing trade on their own coast, and only trade to Newfoundland with provisions, rum, *etc.*, for which they take bills or fish; if the latter they dispose thereof to the sack ships. (29) The French take but little furs, which is done by the Planters only. They manage their trade of fishery as our merchants do, but do's not depend on sack ships. They usually bring from Europe some merchandize to support the inhabitants. There's about 30 sail fishes at Placentia, 24 at St. Peter's, 4 at Grand Burin and St. Lawrence, 2 at Mainelon, and 1 in the Bay of Fortune, who, together with the inhabitants and by-boat-keepers, keep about 1,010, with three men in each boat and two on shore, to cure the fish they take. The ships at Placentia keep their boats at St. Mary's, where they cure their fish, but dries it at Placentia. The burthen of their ships is from 80 to 300 tuns, who generally keep from four to twenty boats. They pay their men with a one-fifth part of the fish taken. (30) There's at Placentia about 200 inhabitants; at St. Peter's 186; in the Bay of Fortune, 150, and at St. Mary's 7, who wholly follows the fishing in the summer. (31) The use of their Plantations is of the same as ours. (32) They have taken about 200 quintals of fish per boat which they sell at 24 royals per quintal. (33) They come about a month sooner on this coast than the English do, and goes to a market about a month earlier, which is to Spain, Portugal, and France. (34) Their trade rather decreases this year, which is chiefly occasioned by the great quantities of Capelin, which the fish don't take, as usual, when scarce. (35) They have no place of strength, but at Placentia. At St. Peter's they have a place with three guns, commanded by M. La Force, Lieutenant Governor, under Count Bromillant, which any vessel may take. On the point opposite to Point Verd, at Placentia, on the North shore, is a battery of six guns, and from thence, towards the Fort, is another of five guns; in the great Fort are 28 guns, 16 pointing towards the road and 12 towards the entrance of the harbour. There's a Castle built with stone on the top of a hill, on the North side of the Bay, in which is eight guns, and two mortars, which commands the road; on the East side of the Castle, on another hill, about two musket-shot distance, is a guard-house, built with boards, and pallasaded round, which may contain about 100 men. Somewhat to the West, on another hill, is likewise a breast-work all palisaded about. The garrison is furnished with provisions and ammunition yearly from France, which the shipping brings at their own charge, as also lime, *etc.* for building. (36) The only way to regain the trade and fishing from them is with a strong force by land and sea. (37) I don't

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find that any foreign ships fishes on the Eastern coast of Newfoundland. (38) They have about 100 sail fishing this year on the Bank, and about 20 on the coast of Canady; the ships on the Bank being between 50 and 150 tons. (39) I do not know that any other nation carries on this trade at Newfoundland. *Signed*, S. Fairborne. 24 *pp.* [*Board of Trade.* Newfoundland, 4. *Nos.* 16, 16. i.; *and* 25. *pp.* 383—395.]

Sept. 12. Boston. **775.** Mr. Addington to Mr. Popple. I sent you some few days since some Minutes and Journals, and by command of His Excellency, who is at Albany on a negotiation with the Five Nations, I transmit the inclosed Minute of Council of what lately passed here with the Sachem of Pennicook, that the Lords Commissioners of the Council of Trade and Plantations may be informed of the temper and behaviour of the Indians, and how they carry on their designs to beget a quarrel, first with the Mohegans, who have alwaies been true and firm to the English interests, and lately have disclosed the conspiracy that has been made by the Indians in general, intending a new insurrection, whereby they have contracted a mortal hatred of the other Indians, and knowing that the Government will be obliged to defend and assist the Mohegans, think thereby to involve the English in a new war, to which the Indians want not instigation from the French Popish Missionaries, which resort to them and instil their devilish principle into them, not to keep faith with hereticks, so that their submissions and declarations of allegiance and fidelity are not to be relied on, and nothing is proper to move them but fear, nor is it probable to keep them in awe but by setting garrisons and keeping souldiers constantly in arms near to their Plantations, the charge whereof would be insupportable to be borne by this Province. *Signed*, Isa. Addington. *Endorsed*, Recd. 26th, Read 28th Nov., 1700. 1¾ *pp. Enclosed,*

775. i. Minute of Council of Massachusetts Bay, Aug 7, 1700. *q.v., under date.* 1½ *pp.* [*Board of Trade.* New England, 11. *Nos.* 13, 13. i.; *and* 38. *pp.* 331–336.]

Sept. 12. **776.** Attorney General to the Council of Trade and Plantations. I have considered the Acts passed in the General Assembly of Barbados, May 18, 1697—Nov. 3, and Nov. 24, 1698—May 26, 1699. (Enumerated.) I find that the Act for better securing the liberty of His Majesty's subjects and preventing long imprisonments is much the same with the Act made here, 31st Charles II, but whether any such Act hath heretofore past in any of His Majesty's Plantations, I know not, and whether the approving such Act may be convenient, I submit to your Lordships' judgment. Some of the Acts, being to continue for one year only, are expired; as to the rest there is nothing in them contrary to law or prejudicial to His Majesty's prerogative. *Signed*, Tho. Trevor. *Inscribed (in Mr. Popple's hand)*, Mr. Bridges desired that if the Board made any doubt upon passing the *Act for better securing the Liberty of His Majesty's subjects*, some gentlemen concerned in that Island might first be heard.

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Endorsed, Recd. 29 Oct. Read 1 Nov. 1700. 2 *pp.* [*Board of Trade.* Barbados, 8. *No.* 58; *and* 45. *pp.* 123–128.]

Sept. 12. **777.** Minutes of Council of Massachusetts Bay. Proclamation ordered proroguing the General Assembly till Oct. 23rd. [*Board of Trade.* Massachusetts Bay, 2. *p.* 13.]

Sept. 12. **778.** Journal of Council of Trade and Plantations. Letter from Mr. Sanson, Sept. 11, read.

Mr. John Field and Mr. Mordeca Moore, desiring extracts of those clauses in the Lord Baltimore's Patent for Maryland, and in His Majesty's Commission to Col. Blakiston, which relate to the enacting of laws in that Province, in order to their observations for the late Act for the service of Almighty God, which lies now under consideration, ordered that extracts be accordingly given them.

Copies of seven orders of Council, Sept. 5, were now received and read.

Sept. 13. Their Lordships entered upon the consideration of the report to be made upon the Earl of Bellomont's letters relating to Naval Stores, and the security of His Majesty's Provinces in the Northern Continent of America, and gave some directions for preparing a letter to be writ to the Earl of Bellomont. [*Board of Trade.* Journal, 13. *pp.* 178–181; *and* 97. *Nos.* 161, 162.]

Sept. 13. Bethnal Green. **779.** Col. Jorye to William Popple. I have made inquiry about Sowse (*sous ?*) commonly called Blackdoggs; they are, in France, 60 to the crown, and with us abroad three half-pence each. I find not many, but only a conveniency for change, for in paying 20 or 30 pieces of eight, they may not have more than one paid in Blackdogs. So far it cannot prejudice commerce, considering they have no half-pence nor farthings, our nation's coin, amongst them. The Act for the Better Settlement of all people in their peaceable and quiet possessions, *etc.*, will certainly be of great moment to the public, and prevent vexatious lawsuits, which are daily set a-foot by ordinary unlearned men in the law to advance themselves, to the great prejudice and disquiet of His Majesty's subjects, many of them having lost their deeds by hurricanes, cockroaches and other accidents; and if they had them, I question whether one of them might be effectually drawn according to law, for in former times, we, having none of that profession amongst us, did everything according to our best understandings. *Signed*, Jos. Jorye. *P.S.* The Act for recovering public levies, *etc.*, cannot incommodate His Majesty, but (*will*) keep in awe troublesome persons. The Act for fining those that refuse to serve as Assembly men may not be prejudicial to the public. If there could be found a way for transporting men servants from England and Scotland, it would be of great serviss for the preservation of His Majesty's Island in peace and war, we having nigh 20 blacks to a white man. *Endorsed*, Recd. Read Sept. 16, 1700. 1 *p.* [*Board of Trade.* Leeward Islands, 7. *No.* 3.]

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Sept. 13. **780.** Minutes of Council of New York. His Excellency read passages from the letters of the Council of Trade and Plantations, April 11 and May 10, and also produced His Majesty's letter of March 28th, and His Majesty's Order in Council, March 29, about the towns of Rye and Bedford.

The propositions made by His Excellency at Albany to the Five Nations of Indians, the Schackhook or River Indians, together with their answers, were read. Col. Stephen Cortlandt, in the name of the rest of the Members of this Board, did thank his Lordship for the great care and diligence he had used in the said expedition. His Excellency proposed to the Council whether, after what the House of Representatives had done the last Sessions with relation to the additional duty granted for the erecting a fort in the Onnondages' country (in which he observed their behaviour did not at all answer the expectation he had of them) it would be fit to let them meet and sit at the day appointed, Oct. 1. The Council unanimously advised that they should meet that day, in hopes they would grant a tax in lieu of the said additional duty. Proclamation ordered appointing the Assembly to meet accordingly.

Robt. Livingston produced His Commission from his Majesty, Jan. 27, 1696, appointing him Secretary to the Indians with 100*l.* sterling salary, which, at his request, was entered in the Council Book. [*Board of Trade.* New York, 72. *pp.* 344–347.]

Sept. 16. Whitehall. **781.** Journal of Council of Trade and Plantations. Letter from Col. Fox, Nevis, July 20, together with an enclosed copy of a deposition made by Richard Budge relating to some piracies committed in those seas, read.

Letter from Col. Jory, Sept. 13, relating to some of the Acts of the General Assembly of Nevis that have been lately under consideration, read. Directions given for preparing a Representation thereupon.

Their Lordships then went on in considering the report to be made upon the Earl of Bellomont's letters relating to Naval Stores and the Security of His Majesty's Plantations in the Northern Continent of America.

Sept. 17. Further progress made in preparing above-mentioned Report. [*Board of Trade.* Journal, 13. *pp.* 182, 183; *and* 97. *Nos.* 163, 164.]

Sept. 17. **782.** Minutes of Council of Barbados. Letter from the Council of Trade, May 17, 1700; Order of Council, May 16, 1700, relating to Alexander Skene; Letter of the Council of Trade to the Earl of Jersey, June 7, 1700; His Majesty's letter about Mr. Skene, June 10, 1700, and June 13, about restoring Scotchmen to the Commissions of Peace, and Earl of Jersey's letter of June 15, 1700, on the foregoing subjects, were read and entered in the Council Book. In obedience to His Majesty's express command, June 10, Alexander Skene was admitted to act as Secretary of this Island. Ordered that he attend His Excellency and Council at their next sitting, to be sworn

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accordingly, and that he then produce his patent. [*Board of Trade.* Barbados, 65. *pp.* 535–544.]

Sept. 18. Whitehall. **783.** William Popple to Sir John Hawles. The Council of Trade and Plantations send you the Acts of the General Assembly of Nevis past there in Aug. '99 and Jan. $\frac{1699}{1700}$ and desire your opinion upon them in point of law as soon as conveniently you can. *Annexed,*

783. i. List of Acts referred to above. [*Board of Trade.* Leeward Islands, 46. *pp.* 87, 88.]

Sept. 18. **784.** Minutes of Council of New York. His Excellency read the letter of the Lords Commissioners for Trade and Plantations, June 21, about Admiralty Passes.

Wayt Wynthrop produced a Commission from the Admiralty, May 22, 1699, appointing him Judge of the Court of Admiralty of New York.

Accounts of the charges of His Excellency's expedition to Albany referred to a committee. 29*l.* 9*s.* 6*d.* paid to Duncan Campbell on that account.

33*l.* 12*s.* 6*d.* paid to Robert Livingston for expenses in entertaining the French Agents from Canada.

Sept. 19. Wait Winthrop took the oaths appointed as Judge of the Admiralty, and subscribed the Test and Association. [*Board of Trade.* New York, 72. *pp.* 348, 349.]

Sept. 18. Whitehall. **785.** Journal of Council of Trade and Plantations. Col. Jory acquainted their Lordships that he had now received from Nevis the powers that he expected, to enable him to act as Agent of this Island, and then laid before the Board some Acts of the General Assembly, Aug. 14, 1699, and Jan. 30, 1699 (1700), which their Lordships ordered to be sent to Mr. Solicitor General for his opinion upon them in point of law.

Draught of a letter to Lord Bellomont was agreed upon.

Draught of a Representation upon the Acts of Antegoa was agreed upon, and signed.

Sept. 19. Letter to Lord Bellomont signed.

Their Lordships proceeded again in preparing a report upon Lord Bellomont's letters relating to Naval Stores and the security of His Majesty's Plantations.

Sept. 20. Representation upon the Acts of the General Assembly of Nevis signed.

Further progress made in preparing report upon Lord Bellomont's letters relating to Naval Stores, etc. [*Board of Trade.* Journal, 13. *pp.* 183–186; *and* 97. *Nos.* 165–167.]

Sept. 19. Whitehall. **786.** Council of Trade and Plantations to Governor the Earl of Bellomont. The several letters we have received from your Lordship since those we writ in April, May and June last are dated April 20 and 23, May 7 and 25, June 22 and July 9. The first of those letters being in a manner wholly about the apprehensions your Lordship was under from the several Nations

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of Indians lying in the neighbourhood of your Governments, and the same subject occurring also in your other letters, we refer ourselves for that whole matter to the informations we have already given your Lordship of what His Majesty has been pleased to do upon the first news of that alarm. Having lately received back from Mr. Solicitor General all the Acts of the General Assemblies of the three Provinces under your Government that were in his hands, together with his reports upon them ; we have perused them all, and having also represented our opinion upon those of New York to their Excellencies the Lords Justices, we send your Lordship here enclosed a copy of our said representation, which their Excellencies have intirely approved of, and Mr. Champante having taken out the several Orders of Council made thereon, your Lordship will receive them from him. We send you herewith a copy of some observations that we made upon the reading of those Acts ; by which you will perceive the reason of our declining to give any opinion either for the confirmation or repeal of some of them, until we can be satisfied in the doubts that are there expressed, and unto which we therefore desire your Lordship to return us particular answers. And besides what is there exprest upon the Act for indemnifying etc., it may be further necessary for your Lordship's private information to acquaint you that the Order of Council, April 7, 1692, declares that upon humble application of the persons excepted in the General Pardon, His Majesty would order them to be pardoned, and their estates restored to them, as fit objects of His Majesty's mercy ; and the Order of Council of May 13, 1692, directs that their recognizances should be discharged ; which we conceive is all that ought to be done, till humble application be made to His Majesty by the parties concerned ; and are of opinion that all acts of peace ought to begin with the King. The reason of our suspending also at present to give any opinion upon the Act for vacating etc., you will perceive by the objections offered to Mr. Solicitor General against it, and his dubious report thereupon, whereof we send you a copy ; as likewise by the enclosed copy of further objections of like kind, that have been laid before us in the name of several inhabitants of New York, unto which we expect Mr. Champante's answer, that we may have a full view of the allegations and arguments on both sides, before we determine upon it. We wait only for an answer from the Commissioners of the Customs to a query we have sent to them, relating to the Act for establishing of Sea-ports in the Massachusets Bay, and then we shall forthwith report upon the Acts of that Province, and also of New Hampshire, for in all other points we are agreed. We have now under consideration all that your Lordship has writ relating to Naval Stores, and the employing of soldiers in the producing of them at New York, in order to laying the same together with our opinion thereupon, before their Excellencies. This also will give us occasion to mention the necessity of preserving the friendship of our Five Nations of Indians, and of repairing or building such Forts and Fortifications as your Lordship judges necessary for the several Provinces under your Government ; but our Report

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in that point will be defective, for want of those calculations, reasonings, etc., which you promise, June 22. The wast also committed in the woods of New Hampshire, and the trade of ship-timber from thence to Spain and Portugal, which will necessarily also draw on some mention of Mr. Allen's title, are matters that we intend to report upon, as soon as possibly we can. Meanwhile, as to the production of Naval Stores at New York, we can only exhort you to make some experiment with the soldiers that will now be there. And whereas the want of an establishment for the 4*d*. per day extraordinary, which you propose to be added to their pay, will be an obstruction to the setting of them to work, we offer it to your consideration whether it may not be convenient for their present encouragement to allow them a proportion out of the produce of their own labour. As to the charge of presents for our Five Nations of Indians, and of Forts, not only in that Province, but elsewhere, which may be for the general security of all His Majesty's provinces on that Continent, until some proper and effectual provision can be made here, we wish your Lordship may be able to improve your meeting with the Governors of Maryland, Virginia, etc., towards the promoting of some method for raising everywhere contributions as may be reasonable for such necessary services. And as for the business of New Hampshire, we cannot at present add anything to what we writ you April 19 last.

The papers relating to pirates, which we received in your letters, April 23 and May 25, we transmitted to the Admiralty. The Commissions for trying of pirates in the Plantations, pursuant to the late Act, are going on in the offices, through which they must pass, but not yet ready. Notwithstanding all that we have been able to do, towards the promoting of what your Lordship has so oft desired, in relation to a Chief Justice and Attorney General for the Province of New York, yet Mr. Atwood and Mr. Broughton met with some stop in the Treasury, and we do not see that anything further will be done in that business at present. We observe what your Lordship writes, June 22, about the continued irregularities in the Government of Rhoad Island; but are not able to give you any further information, of measures taken for the redress thereof, than what you will have already seen by His Majesty's Order in Council upon our Representation, which we sent you April 11. We are, my Lord, your Lordship's most humble servants, *Signed*, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney, M. Prior. *Annexed*,

786. i. Observations upon the Acts of New York. Oct. 5, 1696—May 16, 1699. The first parcel of these Acts are full of faults in the transcribing, so that in some places the sense cannot be understood. The Acts about Courts of Judicature have been several times re-enacted, contrary to the Governor's Instructions. In several of the Acts it is said that they are to continue in force so long from the publication thereof. *Query*, What is understood by the publication of the Act? At what time and in what manner is it made?

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(1). *An Act for preventing vexatious suits, etc.* In the wording of this Act there are expressions which reflect upon some persons by stiling them disaffected to His Majesty's person and government and to the safety and welfare of that Province, which are unreasonable and do not answer the end of an Act "for settling and quieting the minds of His Majesty's subjects." It seemed also very doubtful to us whether the terms in which the enacting clause is conceived, might not be interpreted to favour the bringing of actions for recovering back of anything that has been levied by virtue of former judgments or executions. Though Mr. Solicitor General has given his opinion that this Act has no further retrospect of that kind than to the first day of the Assembly in which it was past, yet the doubtfulness of those expressions shew the great necessity of an exact care in the wording of all Acts.

(2). *An Act for the indemnifying of all such persons as were excepted out of the General Pardon*, 1691. The last part of this Act, declaring all judgments, executions, etc., to be null and void, is much fuller than the terms of the forementioned Act, and do therefore make the same objection against it, yet stronger, than against the other.

(3). *An Act for repealing an Act for regulating damages done in the time of the late disorders, etc.* This is liable to the same objection. For it seems not reasonable that the proceedings of any kind legally made upon the aforesaid Act whilst it was in force, should be made void by this posterior Act; but only that all further proceedings upon it be stopped, and the Act itself vacated and annulled from the time of passing this repeal.

(4). *An Act for settling the estate of Jacob Milbourn.* There does not seem to have been any necessity for passing this Act. The tenour of it suggests a doubt lest it should be prejudicial to Mr. Milbourn's creditors. It is very ill-digested, and the terms, in which the succession to the estate is expressed, are inconsistent and not intelligible.

(5). *An Act for continuing an Act for encouraging of the Post Office two years longer after the expiration of the last Act.* An Act of the General Assembly of the Massachusetts Bay to the like effect was repealed, 1696, as being prejudicial to the office of His Majesty's Post-

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Master General here, and inconsistent with Patents already granted; and the draught of an Act for the same purpose, but not subject to the like inconveniences, was delivered to Lord Bellomont together with his instructions for the government of the Massachusets Bay, which ought to have been followed in New York also, or the reasons signified why it is not. [*Board of Trade. (Corrected draft).* New York, 44A. *No.* 48; *and* 54. *pp.* 393–402.]

Sept. 19. Whitehall. **787.** Council of Trade and Plantations to the Lords Justices. We have considered the Acts passed in the General Assembly of Antegoa 1696, 1697, and 1698, and having thereupon had the opinion of His Majesty's Solicitor General in point of law, we humbly crave leave to lay them before your Excellencies under the following distinctions,

(1) Those that being temporary are either already expired or so near expiring, that in our humble opinion they require nothing to be done upon them. *Enumerated.*

(2) Similarly, two that we find to be afterwards repealed.

(3) Those against which we see no objection; and are therefore humbly of opinion that your Excellencies may be pleased to approve the same. *Enumerated.*

(4) An Act oppointing the number of Assemblymen and the manner of their Election, Jan. 1697. Upon which we observe that it establishes certain penalties upon the breach of uncertain rules that were not then settled, but to be made afterwards, which we judge to be irregular, and are apprehensive lest it should prove of ill consequence. And by the said Act it is in effect appointed that a General Assembly be held once a year, by which means the power of calling or forbearing to call General Assemblies, which His Majesty has been pleased to confer upon his respective Governors is infringed, and for these reasons we humbly offer that the said Act be repealed.

(5) An Act for restraining and punishing privateers and pirates, Nov. 1698; which, though it might have been useful to the end intended, yet, finding it inconsistent with the Act past here last session of Parliament, we humbly offer that it be also repealed. *Signed,* Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mt. Prior. [*Board of Trade.* Leeward Islands, 46. *pp* 89–94.]

Sept. 20. **788.** Attorney General to the Council of Trade and Plantations. I have considered Mr. Grey's Commission and Instructions, etc. As his Commission empowers him to appoint Councillors only where there are less than seven, so it doth not appear to me by his instructions that there is any power or

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direction given to him to make the number twelve, for that clause, which directs him upon any vacancy to supply the number twelve, doth not empower him to appoint any Councillors to make up twelve, but says that he shall supply the first number of twelve by nominating to the King others in their stead, so that, as I conceive, he ought not to put in any himself, but to send the names of persons fit to be put in, that His Majesty may appoint such of them as he shall think fit. *Signed*, Tho. Trevor. *Endorsed*, Recd. Read Sept. 23, 1700. 1 *p.* *Enclosed*,

788. i. Extracts of letters of the Council of Trade and Plantations to Governor Grey, Jan. 23, 1700, and of Governor Grey to the Council of Trade and Plantations, Ap. 20, 1700. 2 *pp.*

788. ii. Copy of the opinion of the Attorney and Solicitor General of Barbados, Ap. 10, 1700. 1 *p.*

788. iii. Extract of Governor Grey's Commission. 1 *p.*

788. iv. Extract of Governor Grey's Instructions. 1 *p.*

[*Board of Trade.* Barbados, 8. *Nos.* 56, 56.i.-iv.; *and* (*without enclosures*) 45. *pp.* 104, 105].

Sept. 20. Whitehall. **789**. Council of Trade and Plantations to the Lords Justices. We have considered the Acts passed in Nevis 1698 and 1699. Some (*enumerated*) are temporary and have already had their effect; some (*enumerated*), against which we see no objection, we are humbly of opinion your Excellencies may be pleased to approve. Upon the reasonableness of the Act for vessels to pay tonnage, powder and arms, March 25, 1699, we have some doubts and are making a further enquiry, but do nevertheless humbly conceive your resolution thereupon may meanwhile be suspended without any inconveniency. The following Acts we humbly conceive not fit to be confirmed. (1) An Act concerning rates of liquors for taverns, tippling houses, etc., and for passing of Black Dogs, April 1, 1698. Those Black Dogs being a French coin, ordinarily called Sols marquez, it seems not convenient to authorize their currency in His Majesty's Plantations, and more especially not at so great a value as is done by this Act, viz., three half-pence each, whereas they are not intrinsically worth one farthing; for this will not only encourage an unlawful trade with the French, but those Black Dogs, being easy to counterfeit, that may also be done with great profit, and, being once authorised as a current coin, we do not think the provision made by the Act, nor hardly any other, sufficient to prevent the increase of them to such quantities as may prove very inconvenient. (2) An Act to empower the Treasurer to sue for dues, duties, debts, etc., due to the Public and for renewing and confirming the several Acts therein mentioned, Jan. 5, 169$\frac{8}{9}$. This Act renews and confirms all Acts past April 1, 1698, without limitation of time, and so makes them all perpetual, whereas several of them were at first intended only to be temporary; and amongst the rest it confirms the last-mentioned Act. (3) An Act to conform all Estates in this Island to and upon the owners and possessors thereof, Jan. 19, 169$\frac{8}{9}$.

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In this Act there is no time allowed for persons that were not in the Island at the time when it passed; or for those who were not *compos mentis, femmes couvertes* or infants, after their disability removed, to put in their claims; all which provisions we understand to be usual in Acts of this nature here in England, and humbly conceive them to be reasonable and necessary. (4) An Act for indemnity for administrators, overseers, trustees, executors, etc., Feb. 2, 169$\frac{8}{9}$. The former part of this Act indemnifying and discharging all executors, etc., from all prosecutions for maladministrations or for having through ignorance acted beyond the powers and trusts reposed in them; we humbly conceive that the proviso made afterwards that such as have wittingly and willingly transgressed the Law in any of those respects may be sued, arrested, etc., is not a sufficient caution against abuses that may be palliated and covered by the large extent of the first enacting clause; and are therefore apprehensive lest this Act should prove injurious to many creditors and others. (5) An Act to oblige masters of ships and other vessels to give in security besides the security by Act of Parliament, March 25, 1699. It is thereby enacted that all masters of ships, etc., shall enter into bond of 1,000*l.* upon a condition whereof the form is to be thereunder expressed, but no such form being expressed either in or under the said Act, we humbly conceive it to be imperfect, uncertain and of no effect. (6) An Act to revive and continue divers Acts of this Island, Aug. 8, 1699. The last forementioned Act, which we humbly propose may be repealed is in this Act confirmed. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* Leeward Islands, 46. *pp.* 95–100.]

Sept. 23. **790.** Minutes of Council of New York. His Excellency acquainted the Board that he had received advice from the Council of Trade that 150 soldiers will be transported from Ireland to this Province, besides the 100 now lately arrived here in H.M.S. *Advice*, and that the barracks in the Fort at Albany are not near sufficient to receive them, and desired the advice of the Council accordingly. The Council advised that the blockhouses at Albany ought to be immediately repaired at the King's charge to receive as many as they are capable of receiving, and that Col. Schuyler, Col. Romar, the Mayor and the other Magistrates of Albany do oversee the said repairs, and also hire a convenient house or houses for the reception of the rest.

His Excellency announced that he had received from the Admiralty passes to distribute to the masters and merchants of ships in this Province, and desires the advice of the Council that a proclamation may issue to give them notice to apply for the same, and that the printer is so much indisposed that he cannot work at his trade. The Board advised that the Clerk of the Council draw up a proclamation accordingly, and that copies be made thereof and distributed. [*Board of Trade.* New York, 72. *pp.* 349, 350].

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Sept. 23. Whitehall. **791**. Journal of Council of Trade and Plantations. Order of Council of Sept. 11, upon complaints against the Lieut.-Governor of St. Christopher's, read. Directions given for preparing a letter to Col. Codrington accordingly.

Mr. Attorney General's opinion as to Governors supplying vacancies in Council (*See* July 17) read.

Sept. 24. Further progress made in report upon Lord Bellomont's letters relating to Naval Stores.

Sept. 25. Letter to Col. Codrington signed.

Letter from Lord Bellomont, Boston, July 15 last, was read, with some of the enclosures.

Letter from Lord Bellomont to the Secretary, July 16, 1700, read.

Letter from the Council and Assembly of the Massachusetts Bay, July 13, 1700, read. Whereupon their Lordships resolved to lay the Addresses therein referred to, relating to boundaries and the encroachments of the French Fishery and the College, together with Representations upon those subjects, and a Representation likewise upon what his Lordship writes about his own salaries, before their Excellencies on the first convenient opportunity.

Col. Jory brought back and delivered to the Board the Acts of the General Assembly of Nevis, together with Mr. Solicitor General's report thereupon.

Then their Lordships proceeding to consider the report to be made upon Lord Bellomont's letters relating to Naval Stores, etc., ordered the Secretary to write to Mr. Gilbert Heathcote, to enquire whether there have of late years been any new duties laid upon tar and pitch in Sweden, or what else he conceives to be the reason of the great difference in the price of those commodities here one year from another, as, particularly, in 1687 tar at £5 15s. per last, and now about £11 per last. [*Board of Trade.* Journal, 13. *pp.* 186–192 ; *and* 97. *Nos.* 168–170].

Sept. 24. **792**. Commission to Capt. Benjamin Bennet to be Lieutenant-Governor and Commander in Chief of the Bermuda or Summer Islands. Similar in form and intent to that of Governor Codrington, Cal. 1699, *No.* 382, etc. "Immediately upon your arrival within our said islands and publication of this our Commission there, our Commission to our trusty and welbeloved Samuel Day . . . shall cease and become voyd." [*Board of Trade.* Bermuda, 30. *pp.* 66–84.]

Sept. 24. **793**. Instructions to Capt. Bennet as Lieut Governor of Bermuda. *In the usual form*, e.g. *Cal.* 1699. *No.* 766, with the following special directions. The Council is to consist of Richard Pennistone, John Tucker, Charles Walker, Anthony White, Thomas Harford, Michael Burrows, Robert White, Benjamin Wainwright, St. George Tucker, Benjamin Hinson, Patrick Downing and Samuel Spofferth. He is to propose to the Assembly that (1) the duty of one penny per lb. be settled upon all tobacco exported, but so as His Majesty may lessen that duty to what

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proportion he shall think fit from time to time, and that no person be permitted to lade any tobacco on any ship before security be given for the payment of His Majesty's customs and duties; (2) That moderate quit-rents be settled for the lands enjoyed by the inhabitants; (3) That the Governor's House, the fortifications and all other public houses and places be repaired at the public charge, as has always been done by levies; and that the Assembly settle such levies, the late Company having never been at any charge therein. He is to transmit an authentick copy under the Great Seal of the whole body of laws of the Island with all diligence after his arrival. He is to take an account of the public lands, by whom they were possessed, and how claimed, and to continue unto the Public Offices the allowance of the same number of shares of lands and slaves as were enjoyed by them during the time of the late Company, until His Majesty's pleasure be known, and to send an exact account of these with all speed. "And whereas His Majesty is informed that there are several negroes, mulattoes and mestees lately belonging to the Company in several private hands, which ought to be seized, you are to take care thereof and to return an account of the same, as also what servants you and other officers want, that so they may thereby be supplied with their full numbers, and that the overplus may be disposed of and applied to repairs and new fortifications, which number every officer is to leave to his successor, that so they may be perpetual." All public money is to be paid to the Treasurer, and the Sheriff and all other officers are to account upon oath for money received since the late Company, or to be suspended. No ships are to load or unload except in Castle Harbour or St. George's Harbour. He is to take care that no pirates or sea-robbers are sheltered or in any manner encouraged, but to use his utmost endeavours to discover them and their abettors and to transmit from time to time full accounts of any information he receives. Appeals are to be permitted from the Courts to the Governor and Council, provided the sum appealed for exceed 50*l.* sterling, and that security be first duly given by the Appellant; and thence to the King, provided the value appealed for exceeds 100*l.* The appeal to be made within 14 days and good security given by the Appellant. Appeals to the King in cases of fines, provided they amount to 100*l.*, and good security be given by the Appellant, are to be allowed. He is to require Mr. Day, the late Lieut.-Governor of Bermuda, to give 2,000*l.* security to stand trial in England about the *Dolphin*. The laws relating to the Plantations and the Trade thereof are to be punctually observed. "You are to take notice that, whereas notwithstanding the many good laws made from time to time for preventing of frauds in the Plantation Trade, it is nevertheless manifest that very great abuses have been, and continue to be practised, which must needs arise either from the insolvency of the persons, who are accepted for security, or from the remissness or connivance of such as have been, or are Governors in the several Plantations, who ought to take care that persons, who give bond, should be duly prosecuted in case of non-performance; His Majesty takes

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the good of his Plantations and the improvement of the Trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of this his Kingdom, and to the advancing of the duties of His Majesty's Customs here, that if His Majesty shall hereafter be informed that at any time there shall be any failure in the due observance of those Laws within His Majesty's foresaid Islands under your government, by any wilful fault or neglect on your part, His Majesty shall look upon it as a breach of the trust reposed in you by him, which His Majesty shall punish with the loss of your place in that Government, and such further marks of his displeasure as he shall judge reasonable. For your support in the discharge of the Government, you are to take unto yourself the twelve shares of land formerly appropriated to the use of the Governor, accounting the same at the value of 60*l. per annum*, as also the profits accruing by the licenses granted for the fishing of whales, at the value of 100*l. per annum*, unto which His Majesty is graciously pleased to add 240*l. per annum*, out of such part of his revenue as he shall appoint. Lastly, if anything shall happen that shall be of advantage and security to the Islands and other territories depending thereon, which is not herein or by His Majesty's Commission provided for, His Majesty does hereby allow unto you, with the advice and consent of the Council, to take order for the present therein, giving His Majesty by one of his Principal Secretaries of State, and His Majesty's Commissioners for Trade and Plantations speedy notice thereof, that so you may receive His Majesty's confirmation, if he shall approve the same. Provided always that you do not by any colour of any power or authority hereby given you, commence or declare war without His Majesty's knowledge and particular commands therein." *Signed*, By their Excellencys' commands, Ja. Vernon. [*Board of Trade.* Bermuda, 30. *pp.* 84–117.]

Sept. 25. **794.** Solicitor-General to the Council of Trade and Plantations. I have considered the Laws passed in the General Assembly of Nevis, Aug. 1699 and Jan. $\frac{1699}{1700}$, which I conceive are agreable to law and justice and not prejudicial to His Majesty's Royal Prerogative, save for some literal mistakes. *Signed*, Jo. Hawles. *Endorsed*, Recd. Sept. 25. Laid before the Board Oct. 14. Read Oct. 17, 1700. [*Board of Trade.* Leeward Islands, 7. No. 4; *and* 46. *pp.* 105, 106.]

Sept. 25. Whitehall. **795.** Council of Trade and Plantations to Governor Codrington. A petition having been lately presented to their Excellencies the Lords Justices, whereof a copy is enclosed, in the name of John Cole, in behalf of himself and divers others of His Majesty's subjects inhabitants of St. Christopher's against Capt. James Norton, Lieut.-Governor of the English part of the Island; for several oppressions, exactions and illegal practices committed by him against them, and humbly praying that a Commission may be granted to certain persons there to enquire upon oath into the truth of those complaints, in order to the

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petitioner's relief, their Excellencies have thereupon been pleased to require us to signify unto you their pleasure that you accordingly commissionate certain inhabitants of St. Christopher's to enquire upon oath into the truth of the said complaints and of such other complaints of the same nature as shall be exhibited against the said Lieut.-Governor, and that you also otherwise take care to inform yourself of that matter and transmit hither the evidence that shall be so taken with your report thereupon. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* Leeward Islands, 46. *pp.* 102, 103.]

Sept. 25. **796.** Minutes of Council of Barbados. Alexander Skene was sworn as Secretary. [*Board of Trade.* Barbados, 65. *p.* 544.]

Sept. 26. Barbados. **797.** Governor Grey to the Council of Trade and Plantations. I have received your Lordships' letter of May 17, wherein you give me to understand that you have laid before the Lords of the Admiralty my representation for an established credit to supply His Majesty's ships with provisions and other necessaries, for which I thank your Lordships. Mr. Thomas's affair about the return of the bills is now put to an end. Your Lordships are pleased to acknowledge my list of persons fit to supply vacancies in Council, since which Mr. Walter, a Member of Council, is dead, whose place I design to supply with Col. Maxwell upon his arrival. A levy has been lately raised by three shillings a head for negroes towards the discharging the public debts of the island. The Commissioners of the several fortifications are to make a report to me in Council on Tuesday, Oct. 1, in what condition the forts now are, and what necessary repairs are wanting, after which I shall take care to dispose the Assembly to get a supply for them, and when this most material business is done, I shall proceed upon the building a house for the Governor. One Magnus Popple having delivered to me in Council some proposals for the making a mold or harbour to secure the shipping from hurricanes, which will be of very great use and encouragement for ships to come hither at all seasons, we have very zealously recommended it to the Assembly, and as we go on in the matter, your Lordships shall have an account by the first conveyance. It was a satisfaction to me that your Lordships had approved of my sending a full account of the proceedings in Council relating to Mr. Skene. I have received the observations upon the causes of the pestilential fevers in these parts. I have been very careful in using the best measures to prevent it, ordering by proclamation all stinking provisions to be removed, and keeping the town clean. The island is now, blessed be God, in a good state of health. I shall observe your Lordships' directions in the transmitting private Acts under distinct seals and towards the soliciting the dispatch of them.

Mr. Skene arrived here on Saturday the 14th, by whom I received His Majesty's two letters and the Order in Council, together with the Attorney and Solicitor-General's report concerning Mr. Skene's being admitted Secretary. I ordered the Council to

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meet on Tuesday following to execute His Majesty's commands, at which time Mr. Skene was admitted, but leaving his patent behind him, was not then sworne; yesterday the Council met again, when he was sworne and took his place at the Board. I shall observe His Majesty's further commands in restoring the Scotch that were put out of Commission of the Peace. *Signed*, R. Grey. *Endorsed*, Recd. 7th, Read Dec. 9, 1700. *Subscribed*, (*in Mr. Popple's handwriting*) Maxwell,—he ought not to do it. Forts—the report expected. Mold—It ought to be incouraged. $2\frac{3}{4}$ *pp.* [*Board of Trade.* Barbados, 8. No. 64; *and* 45. *pp.* 187–189.]

Sept. 26 *and* 27. Whitehall. **798.** Journal of Council of Trade and Plantations. Further progress made in report upon Naval Stores, *etc.* [*Board of Trade.* Journal, 13. *p.* 193; *and* 97. *Nos.* 171, 172.]

Sept. 27. **799.** Minutes of Council of New York. Proclamation, ordered Sept. 23, approved of. His Excellency appointed the Council to meet to-morrow to appoint the Mayors and High Sheriffs, since the 29th falls on a Sunday.

Sept. 28. His Excellency by and with the advice of the Council nominated and appointed Isaac de Riemer to be Mayor of the City of New York, and Peter de Mill to be High Sherif of the City and County; John Bleeker, senr., to be Mayor of the City of Albany, and Jonathan Broodhurst, to be High Sherif of the City and County of Albany, and Benjamin van de Water, High Sherif of King's County, Zachariah Mills, High Sheriff of Queen's County, John Mulford, High Sherif of Suffolk County, Barnard van Benthuysen, High Sherif of Ulster and Duchess County, Tercius Dowissen, High Sherif of Orange County, Jeremiah Fowler, High Sherif of Westchester County, Christian Carsen, High Sheriff of of Richmond County. [*Board of Trade.* New York, 72. *pp.* 350–352.]

Sept. 28. Putney. **800.** M. Hillary Reneu to Wm. Popple. The two Representations which the Council of Trade and Plantations have made to the King concerning the Lustring Company, bear witness to their esteem for it. I beg you to inform their Lordships that this Company has instructed me to inform Lord Belamont that several persons, to the prejudice of this Kingdom, were receiving alamodes and lustrings from France contrary to law. I sent, 18 months ago, the Acts of Parliament on the subject and the Custom House marks affixed to this class of goods when duty has been paid, but without the hoped-for result. I pray you warn the Lords of the Council that when the ships from Boston go for salt to France, they take alamodes (and many pieces too from Spain at Bilbao and Lisbon, and from Newfoundland), and the French merchants carry on this business to the prejudice of the manufactures of this Kingdom. If the Lords Commissioners would write to my Lord Belamont on the subject, that would remedy it. *Signed*, H. Reneu. There are some ships which will soon be ready to sail for New England. *Endorsed*, Recd.

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Read Sep. 30, 1700. 1 *p. French. Addressed*, To Mr. William Popple in Cottpitt (*at the Cockpit*). [*Board of Trade.* New England, 11. *No.* 14.]

Sept. 28. **801.** Minutes of Council of Massachusetts Bay. His Excellency laid before the Board a letter from Major Converse at Cascobay, giving an account of the progress made in building a trading-house and fortification there and of supplies needed. Ordered that the Treasurer procure and send them.

Ordered that William Wormwall be commissionated Captain of the fort now in building in Cascobay, and be appointed Truckmaster with the Indians; and that the garrison there consist of 20, including the Captain and Chaplain; and that John Gyles, interpreter for the Indian tongue, be encouraged to enlist himself as one of the garrison, to have pay as a private centinel and further as an interpreter, as he is now allowed for that service on board H.M.S. *Province* galley.

His Excellency laid before the Board a letter from Capt. George Turfrey, commander of His Majesty's Fort Mary at Saco, proposing that two soldiers at a time in convenient seasons be employed in going up Saco River to learn the way to Wirachkamegog, an Indian Fort, lying not far from some part of said river, that so they may be pilots thither in case the Indians should make a new eruption; also that a bell may be sent for the use of Fort Mary, to call the soldiers together upon occasion, and to be struck by the centinels that are upon duty at certain times, to give notice that they are vigilant. Advised, that a bell be provided accordingly, and that Capt. Turfrey be instructed to employ two soldiers as he proposes, they not to go into the Indians' Fort or hold any correspondence with the French or Indians there, but only to make themselves acquainted with the way thither.

Richard Keates, Bricklayer, paid for repairing the prison in Boston. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 14, 15.]

Sept. 30. **802.** Minutes of Council of Massachusetts Bay. Draft f instructions for Capt. Wormwall read and consented to.

The Lieut-Governor communicated to the Board an extract of the letter of the Council of Trade, June 21, to His Excellency the Governor, about Admiralty Passes. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 15, 16.]

Sept. 30. Whitehall. **803.** Journal of Council of Trade and Plantations. Letter from M. Hillary Reneu to the Secretary, desiring their Lordships to write to Lord Bellomont about the illegal trade of lustrings and alamodes carried on from France to the Plantations, read. Ordered that M. Reneu be acquainted that, if he will send hither a duplicate of the letter which he says he writ to Lord Bellomont upon that subject, their Lordships will send it forward with their recommendation according to his desire, but to tell him withal that the more regular way for him or the Lustring Company in that matter would be to address themselves to the

Commissioners of the Customs for such particular orders to their officers in the Plantations as they think necessary. Copy of an Order of Council, Sept. 5, for continuing Mr. William Burt in His Majesty's Council of Nevis, etc., read.

Oct. 1. Their Lordships again proceeded in preparing the report to be made upon Lord Bellomont's letters relating to Naval Stores, etc. [*Board of Trade.* Journal, 13. *pp.* 194, 195; *and* 97. *Nos.* 173, 174.]

Sept. 30. Dublin. **804.** B. Homrigh to William Blathwayt. I have news from Capt. William Burnside, commander of the *Lyon* of Dublin, at sea, that the soldiers for New York, who went from hence with him are all well, save one who died, etc. *Signed*, B. Homrigh. 1 *p.* [*Board of Trade.* New York, 10. *No.* 29; *and* 55. *pp.* 3, 4.]

Oct. 1. Putney. **805.** [Hillary] Reneu to Wm. Popple. In reply to your letter of yesterday, I send you a copy of the letter I wrote long ago to Lord Bellomont at Boston, concerning the trade in alamodes. I learn that my letter came to his hands, but that nothing has been done to forbid it either at Boston or New York. I said in my former letter that the French merchants have means of sending this merchandize not only by way of La Rochelle and Nantes, but also by Bilbao and Lisbon and Newfoundland. It is said that they have committed themselves to the extent of 15,000*l.* sterling. If my Lord would see that the laws in this matter were known and observed by the persons whose names I enclose, it would have a good effect; and if he directed the Custom-house officers to ascertain that the seals are duly affixed, whether those of the London Customs, or of the Lustring Company, in accordance with the Act of 1698, the sellers and buyers, who know that it is not allowed to buy or sell any other sort under penalty of 100*l.* sterling, would comply with the laws. As to the opinion of the Lords Commissioners of Trade, of which you inform me, that I should apply to the Commissioners of Customs, their officers are so distant and the 2½ per cent. so inconsiderable, that I am sure the way of my Lord Bellomont is best. *Signed*, H. Reneu. *Endorsed*, Recd. Oct. 4. Read Oct. 10, 1700. *French.* 1 *p. Enclosed*,

805. i. List of names [of Boston Merchants ?] referred to in preceding. Simon Stodder, James Townsend, Thomas Savage, Elkana Pembrook, Elias Heeth, John Winscomb, Mr. Walays, Mr. Brading, Mrs. Elizabeth Hatch, Ruth Coningham, John Russell, John Waldo, Samuel Sturgis, Wm. Gibben, Mr. Stukey, Mr. Peacok, Mr. [?] Bilby, Zachary Long, Isaiah Toye, Thomas Gould, Mr. Harris. *Slip.*

1698/9. March 6. London. 805. ii. H. Reneu to Lord Bellomont. The enclosed papers will vouch for my character. They show that I have been useful in the establishment of the Lustring and Alamode manufacture in England, in spite of the attacks of French Emissaries, and that many alamodes were introduced into England, to the great detriment

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of the Lustring Company and His Majesty's Customs, during the war. This would have been neglected if the Company had not brought their complaint to Parliament. Some ill men undertook to swear that I had sent powder and arms into France, thinking thereby to sink the prosecutions that were made against them and their friends. But God put in the heart of a Captain of a ship unknown to me to appear in Parliament to declare that he had been hired in France to spirit me out of England, for which he should have 600*l.* sterling reward, carrying me to Calais, dead or alive, and named four men and a woman that were privy here. Parliament, before I knew anything of it, last Sessions, voted that these kidnappers should be prosecuted, and later (April 20) declared that I had done good services to the Nation and ordered a Bill for my naturalisation. Now I am credibly informed that some men in your Government receive French alamodes by way of Rochelle and Nants, when they lade salt, which being against law, it would be a great charity in your Lordship to put some order to that, and because the Law is here that no alamodes or lustrings shall be bought, sold or sent beyond sea, unless they have the mark and seal of the Custom House for foreign goods, or the mark and seal of the Lustring Company for those that are made in England, if your Lordship was pleased to issue the Proclamation that all such goods shall not be admitted to land in your Government unless they be so marked, then I suppose people would be afraid to meddle with the French, etc. *Signed*, Reneu. *P.S.*—The Protestants are more and more persecuted in France, and I hope that your Lordship will take compassion of those that are under your Government, for the more people there is in a Country the better it becomes. *Copy.* 1¾ *pp.* [*Board of Trade.* New England, 11. *Nos.* 15, 15.i.,ii.]

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Oct. 1. **806.** Minutes of Council in Assembly of Barbados. Alexander Skene was granted leave to appoint a Deputy to execute the office of Secretary.

The Assembly desired precepts for other members to be issued to serve in the places of Major Daniel Hooper and Capt. Enoch Gretton, who were going off the island for the benefit of their health.

Mrs. Sarah Codrington's petition, complaining that she had had three negroes beyond her complement placed upon her, referred.

Mrs. Hester Haggard's petition likewise referred.

Petition of Abraham Mellows, Planter, to same effect, dismissed.

Upon the petition of Elizabeth Morris, widow, for relief, seeing that a servant had been placed upon her that had lost his ears and done very villainous acts, ordered that the servant be changed.

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Petition of John Chace, complaining that he had had a servant placed upon him beyond his complement, referred.

Petition of Stephen Gibbs, setting forth that he had been committed to gaol upon suspicion that he had killed David Horton, referred, and Mr. Heywood, the Coroner, ordered to appear with all the original papers.

His Excellency caused those Gentlemen of Scotland, that had been out of the Commission of Peace, to be restored.

Oct. 2. Petition of Lt.-Col. Geo. Peers, attorney of Capt. John Tucker, Capt. Thomas Jenour and Capt. Leonard White of St. George in Bermuda, late owners of the brigantine *Mary Rose*, impressed for the service against Martinique, was recommended to the Assembly,

His Excellency signed the two precepts demanded yesterday. [*Board of Trade.* Barbados, 65. *pp.* 544–546.]

Oct. 2. Whitehall. **807.** Mr. Yard to the Council of Trade and Plantations. Enclosing for their opinion thereupon the following petition. *Signed*, R. Yard. *Endorsed*, Recd. Read Oct. 3, 1700. 1 *p.* *Enclosed*,

807. i. Petition of Mathew Plowman to the Lords Justices. Petitioner being an inhabitant in New York at the time of the late happy Revolution, Jacob Leisler, who then assumed the Government of that Province, caused 130 barrels of beef and pork, to the value of 400*l.* belonging to petitioner, to be seized and spent them to the support of the garrisons of New York and Albany, without making any satisfaction to petitioner, who, since the persons who took the goods are indemnified by an Act of Assembly, has no means to obtain compensation otherwhere than from the Government of New York. He therefore prays your Excellencies to order an examination of the premisses by the Governor of New York and that satisfaction be made by him for what shall be found justly due to him. 1 *p.* [*Board of Trade.* New York, 10. *Nos.* 30, 30.i.; *and* 54. *pp.* 403, 404.]

Oct. 2. Fort William Henry. **808.** Minutes of Council of New York. Mr. Livingston paid 29*l.* 13*s.* for beef, pork and pease given to the Indians at Albany, 65*l.* 14*s.* 1*d.* for other disbursements to them, July 6–Sept.; 15*l.* 6*s.* 8½*d.* for sundry disbursements for the use of His Majesty's Fort at Albany, July 5—Sept. 3.

Francis Wynne, Cornelius Low, and Abraham Staats, paid for sloop-hire to Albany.

37*l.* 5*s.* 6*d.* paid to Thomas Noell for ozenbriggs and rum for presents to the Indians at Albany, and 9*l.* 9*s.* to William Morris for 63 gross of pipes.

Other payments made to Jan Baptist van Epe, Peter van Brugh, Frederick Oothout, Anthony Rogers, Alexander Mason, and Col. Abraham Depeyster, for other supplies and services on the expedition to Albany.

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40*l.* 11*s.* 8*d.* paid to Col. Stephen Cortlandt for candles used in the Garrison Fort William Henry, Feb. 5—Sept. 18.

Petition of Capt. James Wecmes referred to a Committee. [*Board of Trade.* New York, 72. *pp.* 357–360.]

Oct. 2. **809.** Minutes of Council in Assembly of New York. The Assembly announcing that but five of the members were yet come to town, His Excellency, with the advice of the Council, adjourned the Assembly till to-morrow.

Oct. 3. His Excellency adjourned the Assembly till Monday, for the same reason. [*Board of Trade.* New York, 72. *p.* 843.]

Oct. 2. Whitehall. **810.** Journal of Council of Trade and Plantations. Letter from Mr. Gilbert Heathcote, Sept. 30, read. Draft of report upon Lord Bellomont's letters relating to Naval Stores finished.

Oct. 3. Letter from Mr. Yard, Oct. 2, read, and a report made upon Matthew Plowman's petition accordingly.

Oct. 4. Representation upon His Majesty's timber in America considered.

Representation upon Naval Stores signed and sent.

Representation upon timber in the Plantations further considered. [*Board of Trade.* Journal, 13. *pp.* 196–198; *and* 97. *Nos.* 175–177.]

Oct. 3. Whitehall. **811.** Council of Trade and Plantations to the Lords Justices. We humbly represent our opinion that a copy of the petition of Mathew Plowman be sent to Lord Bellomont for him to enquire into the allegations therein set forth and to report thereon. *Signed*, Jon. Pollexfen, Abr. Hill, Geo. Stepney, M. Prior. [*Board of Trade*, New York, 54. *pp.* 404, 405; *and* (*rough draft*), 44A. *No.* 49.]

Oct. 4. Whitehall. **812.** Council of Trade and Plantations to Mr. Secretary Vernon. Enclosing following report. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, M. Prior. *Enclosed*,

812. i. Council of Trade and Plantations to the Lords Justices. In obedience to His Majesty's commands, signified to us July 4, we humbly report that the Earl of Bellomont has by several letters to July 15 last, offered to us divers considerations to the following effect, viz., that the Province of New York being the most advanced frontier of His Majesty's Plantations in those parts, the defence and preservation thereof is of the utmost importance to the security of all the rest, not only with respect to the French of Canada, but against any insurrection of the scattered nations of Indians. That the forts and fortifications on that frontier, for want of timely repairs, are in so ruinous a condition that they will now scarce bear the firing of a gun upon them. That the soldiers, which were formerly four companies of 100 men each, being diminished by death and desertion to less than 200 in

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the whole, and afterwards reduced by a new establishment to 50 men in each Company, are in a miserable condition, almost naked, and ready to perish by reason of the great arrears that are due unto them. That our Five Nations of Indians, who, in the beginning of the late war, consisted 3,500, are now reduced to about 1,100, having suffered great losses during the war, and many of them having been clandestinely murdered by the French Indians since the Peace, by reason of which weakness they are now inclined to shelter themselves under that Protection, which appears to be the strongest. That the posture of the French at Canada is much different from ours; they maintain in constant pay 1,500 men, and are at work with great diligence in repairing all their forts, of which they have eight or nine between Quebec and Montreal (within the space of 60 leagues), besides other fortifications at a greater distance, (as for instance one in the Dowaganah's Country, 700 miles from Quebec), by which means they endeavour to extend their territories on the back of His Majesty's dominions, and seem to prepare for war. That the French, by reason of their several small forts lying near one another, encourage their own people to inhabit and make settlements on their borders, and by means of their remoter forts they drive a trade and keep up an interest with the Indians that live at a distance, and have greatly animated them in their wars against ours. That the French emissaries have spread malicious reports to fill our Five Nations with prejudices, as if His Majesty had given orders to disarm and extirpate them and that my Lord Bellomont would use means to destroy them by poison, which suggestions, together with the consideration of our weakness and the strength of the French, have made our Indians very wavering in their friendship towards us, so that their defection to the French is to be apprehended, and if that should be followed with the conjunction of all the other Indians in those parts, it would be of fatal consequence to the English interest. We beg leave to add to your Excellencies that Mons. d'Iberville, Commander of a French man-of-war of 50 guns, in his return from Mississipi to France, in July last, put into the Port of New York, though much out of his way, upon pretence to wood and water, but more probably with a design to sound that channel and harbour. Upon this general view of affairs the Earl of Bellomont proposes, that the fortifications of the Province of New York be repaired; and, more particularly, that those of Albany and Scenectady, on the frontiers towards Canada, be rebuilt with stone, the charge of which, according to Col. Romer, will amount to 8,000 or 9,000*l.*; and that two new forts be erected,

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one to the N.E. of Albany, at the end of a Lake called Corlaer's or the Iroquoi's Lake, and another in the Onondage Country, which lies to the N.W. and is the centre of the habitation of our Five Nations, and opposite to the French Fort at Cadaracqui, by which our Indians are much annoyed, and their trade obstructed. The expense of building which fort Col. Romer computes at about 1,000*l.* And in order to the repairing or building of these forts, his Lordship desires that spades, shovels and other necessary utensils be sent from hence. He intends also to propose the building of several other forts not only in the Province of New York but elsewhere, which he conceives will be absolutely necessary for the security of all His Majesty's Plantations on that Continent, and therefore advises that His Majesty may be pleased to write circular letters to the Governor and Assemblies of each Plantation to excite them to contribute to the charge, but promises to explain himself further upon that subject and to send his reasonings thereupon by the next conveyance. For the garrisoning of the forts above mentioned, for the encouragement of our Indians to continue firm in their independance on the Crown of England, and in general for the defence of those frontiers, his Lordship proposes that 1,000 soldiers are absolutely necessary; and for the better removing of any obstruction that might arise from the charge of this establishment, he has made a scheme whereby the labour of these soldiers in making turpentine, tar, rozin and pitch may defray the charge of their maintenance. His Lordship offers that the Lieut.-Colonel may be made Lieut.-Governor of New Hampshire; the Major, Governor of Albany, with such additional salaries as His Majesty may be pleased to allow, and that the Captains be of the King's Council, both in New York and New Hampshire. He offers that some Minister of the Church of England be sent to live among our Indians, to instruct them in Christianity, and to prevent their being practised upon by the French priests and Jesuits.

Here follows a résumé of Bellomont's proposals for the production of turpentine, rozin, tar and pitch, pp. 412–418. (*See Cal. A. and W. I.* 1699, 1700, s.v. *Naval Stores.*) The consideration of his proposals for the supply of ship-timber from America we reserve for a distinct Representation. We next lay before your Excellencies what has already been done in relation to these matters. His Majesty has been pleased to give 500*l.* towards the building of a sod fort in the Onondage Country and his Lordship hopes to dispose the Assembly of New York to supply the rest.

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Recruits have been shipped by His Majesty's order to make up the Four Companies 400 effective men; clothes have also been sent them, and subsistence money is now paid unto the Agent for them regularly every month. A present of fuzils, clothes, *etc.*, to the value of 800*l.* has been sent to the Earl of Bellomont to be distributed amongst them. As to the making of turpentine, rozin, tar and pitch, we have advised my Lord to make what essay he can with those soldiers he has; that we may thereby judge what further encouragement is to be given for raising greater quantities in proportion; and have offered that the soldiers may be rewarded from the profit made by their own labour. As to the waste of woods occasioned by the burning of them, we have advised his Lordship to endeavour to get an Act passed in the General Assembly of New York for the restraining of that ill practice. Upon enquiries made here concerning turpentine, rozin, tar and pitch, we have had accounts somewhat different. The officers of Deptford and Wollidge have reported to the Navy Board that they find the tar from America to differ in colour from what is ordinarily used in His Majesty's yards; that 'tis difficult to be tempered with pitch, the stuff rising in the kettle, which makes it troublesome and dangerous, and that this tar has the burning quality which consumes the ropes; they grant, however, that it may be used on ship-sides or sheathings. But we have been informed by traders in that commodity that, though tar from some of the Plantations has been formerly ill-coloured like that of Courland and Drontheim, yet there comes of late as good tar from New England, and as fit for ropes and all other uses whatsoever, as that of Stockholm, which is esteemed the best; and they further remark that the tar which has most of the burning quality makes the best pitch, so that where the tar made in His Majesty's Plantations has not that quality, it may be preserved in kind, and where it has it may be converted into pitch. And we have likewise been informed that there is as good rozin brought from New England as any made in France. We find that the quantities of tar and pitch imported in 1693, 1694, 1695, were about 13,500 tons, whereof three-quarters were from Sweden. In 1687 Stockholm tar was sold here 3*l.* 16*s.* 8*d.* per ton, and mounted gradually during the war, till in 1696 it came to 9*l.* 16*s.* 8*d.* It is now about 8*l.* and pitch about 10*l.* per ton; the rise of price arising from the privilege granted by the King of Sweden to a certain Company of his own subjects, who have the sole right of buying and selling those commodities, and thereupon advance the price at their pleasure. Upon the whole matter we

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propose, (1) In relation to the forts which Lord Bellomont has desired may be repaired or built in New York, we agree that divers such are necessary; but considering that the said Province has been much diminished by the separation of the Jerseys, and has of late been also exhausted by the extraordinary charges it was at for its own defence during the war, we humbly conceive that it is now neither able singly to bear the charge of erecting and maintaining the said forts, nor, though it were able, would it be reasonable to expect that Province should alone provide for the defence of a frontier, wherein the security of all His Majesty's other Plantations on the Northern Continent of America is concerned. We therefore humbly propose that the most effectual methods may be used to oblige the rest of His Majesty's said Plantations to contribute in some due proportion to so necessary a work. In 1694 her late Majesty proportioned a quota (*of men*) for some of those Provinces. (*See Cal. A. and W. I.* 1694. *No.* 1253), but as there was no proportion fixed for East and West New Jersey, or for Carolina and New Hampshire, both which Provinces, though more remote from New York than the rest, yet are not unconcerned in the safety of those frontiers, we therefore offer to the foregoing quota the following additions:—East New Jersey, 60 men; West New Jersey, 60; North and South Carolina, 90; New Hampshire, 40. We further propose that His Majesty may be pleased to write circular letters to the Governors and Proprietors of those Provinces or Colonies, to be communicated to the respective Councils and Assemblies, to require them to contribute to the charge of securing the frontiers of New York according to the foresaid proportions, which, supposing the sum now to be demanded were 5,000*l.*, would be:—

	£	s.	d.
New Hampshire	138	2	5
The Massachusetts Bay	1,208	11	3
Rhode Island and Providence Plantations	165	14	11
Connecticut	414	7	4
New York	690	12	2
East New Jersey	207	3	8
West New Jersey	207	3	8
Pennsylvania	276	4	10
Maryland	552	9	8
Virginia	828	14	8
North and South Carolina ..	310	15	5

Meanwhile we propose that His Majesty may make some further addition to the 500*l.* already given towards

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the beginning of that work, which will also be a means the better to incline those people to follow the Royal example, and that spades and other utensils necessary for building the forts be sent from hence, with 1,000 felling axes for cutting timber, according to my Lord's desire. As to soldiers for the defence of New York and the neighbouring Provinces, we humbly offer, that considering the strength of the French in those parts, and the dangers His Majesty's Plantations are exposed to by their practices amongst the Indians, 600 men may be added to the 400 already there, and that part of those soldiers be placed in New Hampshire to prevent the encroachments of the French and the insults of the Eastern Indians, with which the frontiers on that side have been lately, and are still, alarmed. What the Earl of Bellomont offers in relation to the employment and recompence of the officers that shall command these soldiers, we humbly conceive may be better considered hereafter, when his Lordship's proposals shall have been put in execution, and that His Majesty being then informed of their particular merits, will best understand what further trusts it may be fit to employ them in, and how to reward them accordingly. Concerning Ministers to instruct our Indians and prevent their being practised upon by the French, if a fund can be found for their maintenance, they may be of very great service, as well for the propagation of the reformed Religion as for improving the civil interest of England. As to Naval Stores we agree with his Lordship, that if they can be supplied from His Majesty's Plantations, that would be a thing of great advantage. It may defray the charge of the soldiers that are otherwise necessary for the defence of the Plantations. It will save to England a very great sum of money yearly exported in specie for those commodities to the dominions of the Northern Crowns. It will tend to the increase of our shipping and navigation. It will also increase the export of English manufactures to the Plantations. The supply of Naval Stores will thereby no longer precariously depend on the pleasure of other Princes or on the disposition of their affairs. And if in time a greater quantity of those stores should be made in America than shall be consumed in His Majesty's Dominions, the over-plus may turn to a very beneficial trade with Spain and Portugal. Upon the several parts of his Lordship's scheme for the producing of those stores we observe, That the price of labour at New York and in the neighbouring Colonies being about 3*s.* per day, it is to be feared that soldiers, finding they are required to work for 1*s.* per day, will be apt to desert and shelter themselves in other Colonies, where they may have thrice as much

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wages ; to obviate which difficulty, and to give a more effectual beginning to this work (which we think so advantageous to the Nation, that it should be encouraged almost upon any conditions) we humbly propose that, instead of the 4*d.* per diem to be added to the soldiers' pay, such stores as they shall make by their own labour, for a certain term of years, be allowed them for their own use and benefit ; provided that the salaries to supervisors and officers employed on the work and other necessary charges be first deducted from the whole. Pine-cask being, as his Lordship writes afterwards, 12*d.* per barril cheaper than oak, and no less proper for the use intended, it may be well that such pine-cask be used, which will reduce that article from 20 to 12 shillings. The article of contingent charges not expressing what quantities his Lordship supposes were to be made, no judgment can be given of his calculations in that particular. The computation of freight from New York to England at 40*s.* per ton seems to be too low, for though a settled course of trade, when once this undertaking shall be perfectly established, will undoubtedly bring down the rate, yet the very length of the voyage will always require it to be nearer to 4*l.* than 40*s.* Upon what his Lordship has since writ to strengthen his scheme, we observe that if one man can make one barril of tar per week with his own single labour, as his Lordship was informed by the person who did it, there can be no doubt but a number of men by mutual assistance may be able to make much more : and though Mr. Bridger's opinion that such a number of men may make each of them a barril of tar per day the year round appears very improbable, yet, computing only two barrils per week per man, the 3*l.* 12*s.* 10*d.* per ton which my Lord allows in his first computation for the price of labour, will be reduced to 1*l.* 8*s.* The cheapness of tar at Carolina, mentioned by his Lordship, is confirmed to us by other hands. The Commissioners sent by the Navy Board to inspect Naval Stores in New England have writ them thence that in two years' time they would be able to prepare trees enow to supply the kingdom of England with tar to be delivered there at 5*l.* 4*s.* per ton, and hoped afterwards to do it at 4*l.* 16*s.*, which prices being also cheaper than his Lordship's first scheme, we cannot doubt but tar may be made in the Plantations for moderate prices, and do agree with his Lordship that by the labour of soldiers, it may be done still cheaper at New York than elsewhere. As for the charge of converting tar into pitch, his Lordship's informations hitherto being uncertain and appearing to us very improbable, we humbly think it reasonable to suspend

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any resolution upon his proposal of making piteh in England, until he have made a sure experiment of what is or cān be done in America. Concerning the quality of the turpentine, rozin and piteh made in the Plantations, we have not heard of any objection ; and as for the quality of tar, which is the commodity of most consideration in this design, we cannot doubt but the inhabitants have already in some degrees reformed the faults complained of in what has been made there, and will by further practice reform them thorowly. As to the vaeating of the extravagant grants of land that have been formerly made in the Province of New York, there having been an Act past by the General Assembly there to make void several of them, and objections having been offered to us in the name of the grantees and other inhabitants of the Province against the confirmation of it, unto which we expect answers, we humbly erave leave to suspend our opinion upon that point, until we may be better enabled to do it by a full examination of the allegations and arguments on both sides that will be laid before us. And what his Lordship proposes about appointing of Commissioners to set out lands in proper places and moderate proportions, aeeording to new regulations, unto the former grantees, whose lands are or shall be taken away, and others, as likewise what he writes about the dividing of lands amongst the soldiers ; all these matters depending upon the vaeating of the former grants, we are obliged in the same manner to suspend our opinion upon them. But whereas his Lordship further writes, that, as the lands of that Province are now granted, the King has no power to cut a tree for any use whatsoever, and that unless that obstacle be some way removed, it will be in vain to go about the design of providing Naval Stores there, and therefore proposes that all pine-trees and all other timber on the estates of all persons whatsoever, without exeeption, be vested in His Majesty, either by Act of Assembly there, or Aet of Parliament here, we do not conceive that the Assembly there will pass any such Aet to take away their own property, nor ean we offer it as a thing fit to be done here. Nevertheless, we are of opinion that the want of sueh an Aet should not obstruet the setting about this work ; for timber trees being very plentiful in those parts, it eannot be doubted but they may be had from the Proprietors on such easy terms as will not be any great hinderance, or at least not a total obstacle to the earrying of it on. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, M. Prior. [*Board of Trade.* New York, 54. *pp.* 405–431 ; *and* (*rough drafts*) 44A. *Nos.* 50, 51.]

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[? Oct .4.] **813.** Mr. Brenton to the Council of Trade and Plantations. In obedience to your commands I humbly offer my objections to the Act of the General Assembly of the Massachusetts Bay for establishing seaports within that Province. If the Government of New England had power to make laws to establish sea-ports and give rules for lading and unlading goods and merchandizes, the King having reserved only the refusal or disallowance of such laws as shall be made in the Province of the Massachusetts Bay, the other Colonies of New England might make such laws for establishing sea-ports, etc., as would be prejudicial to the King's interest. But the Government of New England have no such power, for by the Statute of the 25th of King Charles II the rates and duties therein laid upon the enumerated commodities are to be levied, collected and paid at such places and to such Collectors and other officers as shall be appointed in the respective Plantations to collect, levy and receive the same; and it is further enacted that this whole business must be ordered and managed by the Commissioners of the Customs in England. The Statute of the 1st of Queen Elizabeth directs when and where merchandize shall be landed or laden on board any ship in England, and that of the 14th of Charles II enacts that the King may from time to time by Commission out of his Court of Exchequer assign and appoint all such further places, ports, etc., as shall be lawful for the landing or shipping of any goods in England. The Statute of the 7th and 8th of the present reign enacts that all ships coming into or going out of any of the Plantations, and lading or unlading any goods or commodities, and the masters and commanders thereof and their ladings shall be subject and liable to the same rules, etc., as they are subject and liable unto in this kingdom by virtue of the said Statute of the 14th of Charles II, and all laws made in the Plantations contrary to the said statute of Charles II are declared to be null and void.

But supposing the Government of New England had power to make laws establishing seaports, etc., yet by this law are too many ports, and more than are any ways necessary for that Province, for several of the ports therein established have not one vessel belonging to them, nor have had (during the time I have been in my office there) one vessel that has laded or unladed there, and serves only for an encouragement to clandestine trade. *Signed*, Jahleel Brenton. *Endorsed*, Recd. Oct. 4, 1700. $1\frac{3}{4}$ *pp.* [*Board of Trade.* New England, 11. *No.* 16.]

Oct. 5. Custom House, London. **814.** Mr. Sansom to Mr. Popple. The Commissioners have now received an answer from Mr. Brenton at the Bath (copy whereof I herewith send you), relating to the Act of the Assembly of the Massachusetts Bay, May 25, 1698, for establishing of sea-ports within that Province. And it seeming by what the said Brenton writes, that by this law there are too many ports and more then are anyways necessary for that Province, because several of the ports therein intended to be established, have not one vessel belonging to them, nor have they had (during the

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time that he hath been in his office there) one vessel that hath loaded or unloaded there, and will serve only for an encouragement to clandestine trade; and as on the other side he hath omitted to say which and how many of the ports may be necessary for the trade of the Province, the Commissioners are of opinion that the thing in its own nature is not of such hast, but that there may be oppertunity to deliberate thereupon, before the Act passes. *Signed*, Jno. Sansom. *Endorsed*, Recd. Read Oct. 8, 1700. 1 *p.* *Enclosed*,

814. i. Jahleel Brenton to the Commissioners of H.M. Customs. Duplicate of Report to Council of Trade (*No.* 813). *Copy.* $1\frac{3}{4}$ *pp.* [*Board of Trade.* New England, 11. *Nos.* 17, 17.i.; *and* 38. *pp.* 234–239.]

Oct. 7. Jamaica.

815. Governor Sir William Beeston to Council of Trade and Plantations. Here being little of moment happned of late, I have not written since June 16. I have lately received your letter of May 17, together with His Majesty's Order in Council declaring his dissent to the Act about the Deputys of Pattentees, which shall be obeyd, but what is to bee done by the authority of His Majesty's said Order wee know not, for it does not plainely distinguish whether bee meant the Deputys of the then present Pattentees, or those onely who shall obtaine Pattents for those places for the time to come, which I humbly pray may be explained, for the Pattent is passed for the Provost Marshall's Office since that Order was made, yet a Deputation was sent to a very unfitting man to execute that office, tho' not admitted by reason of His Majesty's said Order, untill His Majesty's commands bee farther signified therein, as I have some months since remarqued to your Lordshipps. And a new Deputation from the Receiver General is not admitted for the same reason. For the business of the shipps of war, and how they manadge here, I was in hopes your Lordshipps would have layde that before His Majesty, and then wee might sooner have hoped to have had redresse therein. When those severe Penall laws are much subject to different constructions, it's very hard for any one to know how to carry himselfe. That I writ your Lordshipps about the New England vessell was as plaine according to that law as anything could bee, for the Law in that is soe short that it says that an owner shall sweare, that oath shall be recorded, and a duplicate or register thereof shall be given to the Master for the security of his Navigation, and if this bee wanting the vessell shall be seized. This Master had no register, nor could prove who were his owners, but declared in Court he did not know them all; yet by incouridgment from England, the concernd brought an appeal, and in order to it I commissionated three of the chiefest and most eminent gent. in the Island to heare it, who upon (as I thinke) a mistaken notion of the Act that the Master would have sworn, (as anybody will, rather than loose his vessel or employment), that he had left his certificates behind him, have repealed the sentence of the Admiralty, and adjudged restauration to be made, by which they

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have made that severe Act absolutely void, for no Master will loose his ship for want of swearing, and therefore no officer will for the future give himselfe the trouble and charges to seize vessels according to the letter and plain meaning of the Act, when they know it will be reversed by appeal, and they loose all the charges they have been at, nor can one expect that any for the future here on the like occasion will judge contrary to the sentence these Gent. have given. I now send the sentence and repeale to H.M. Commissioners of the Customs, and do desire their opinion about it, the Act for the future being of no use. I now transfer by Mr. Popple a duplicate of the writ for electing Assemblymen, a draught of Fort Charles exactly done as to the figure and guns, the publick accounts and Muster Rowles of the whole Island, which, notwithstanding the mortality we have had, amount to near 700 men more than the last Rowles were. I am also enlarging to more than double the King's House, which was too little for any indifferent family, and have taken in all the land belonging to it with a bricke wall, and have made aditions of outhouses for the reception of servants and for offices, all which will bee finished in a short time, and will be very comodious and useful, tho' not soe beautyfull, being built not one entire fabricke, but by peices. The account of exportation I sent your Lordshipps is the same that the Naval Officer and Collector of the out Customes sends to the Commissioners of the Customs. If there bee any other method, they shall bee put into it, and transmitted at the end of the year. The Island continues in pretty good health, yet not without some dropping away, tho' not many, nor with any prevalent distemper, and the yeare being soe farre advanced, wee are in hopes wee shall have no greate illnesse upon us. The Spaniards continue their rudeness and insults, as they have opportunity, and have lately kild several of our men in cold blood, of which I have now written the Earl of Jersey, and have sent him some depositions, which prove some part thereof. *Signed*, Wm. Beeston. *Endorsed*, Recd. 9 Dec. Read 9 ditto, 1700. *Holograph.* 2 *pp. Annexed*,

815. i. Abstract of preceding. 1½ *pp.* [*Board of Trade.* Jamaica, 9. *Nos.* 22, 22.i.; *and, (without abstract)* 57. *pp.* 104–108.]

Oct. 7. Jamaica.

816. Governor Sir William Beeston to Mr. Popple, transmitting by H.M.S. *Dolphin* enclosed to be laid before the Lords of Trade. *Holograph.* ½ *p. Signed*, Wm. Beeston. *Endorsed*, Recd. 9 Dec. 1700, Read 9 ditto. *Holograph.* ½ *p. Addressed and sealed. Enclosed*,

816. i. Copy of form of writ for Election of Assemblymen. ¾ *p. Endorsed*, Recd. 9 Dec. 1700.

816. ii. Lists of all His Majesty's forces, both horse and foot, in Jamaica, June 24, 1700. 48 *pp. of names. Endorsed as preceding.*

816. iii. Memorandum of His Majesty's Accounts of Additional Duty, etc. ¼ *p.*

816. iv. Memorandum of His Majesty's Account of Impost. ¼ *p.*

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816. v. Memorandum of His Majesty's Account of Fortifications. ¼ *p.*

816. vi. Memorandum of His Majesty's Account Currant. ¼ *p.* [*Board of Trade.* Jamaica, 9. *Nos.* 23, 23.i.–lii.; *and* (*without enclosures*) 57. *pp.* 109, 110.]

Oct. 7. **817.** Minutes of Council of New York. 145*l.* 12*s.* 2*d.* paid to Col. Stephen Cortlandt for money and goods provided by him for His Excellency's expedition to Albany.

Ordered that Col. Cortlandt do provide 15 bowls, 15 platters, 15 cans, 2 potts and 2 capott coats for the Companies at Albany, and do send up to Capt. James Weemes candles for their use for six months at the rate of two pounds for three nights. Ordered that Capt. Weemes provide two centry boxes for the garrison.

Jacob Staats and Hendrick van Dyck appointed chyurgions to look after Major Richard Ingoldesby's company at Albany, at a salary of 15*l.* each.

23*l.* 10*s.* paid to William Mumford for cutting the King's Armes in stone and for making stone steps to the building over the gate in Fort William Henry.

The Sachims of the Indians of Hudson's River, attending without, were called into the Council Chamber and said, that the last year his Lordship was at Boston; this yeare he went up to Albany and is now returned, and bidds him welcome; they applied themselves to his Lordship as children did to their parents and desired protection. His Lordship told them that he would protect them, and that the King of England had given him orders to take care of them, which he would do accordingly, as long as they behaved themselves as they ought to do. Then he ordered Col. Cortlandt to give them victuals and drink as was usual.

Oct. 8. Petition of Dyrk Jansen Hooglandt read, and referred to the Justices of King's County, who are to report thereon.

Ordered that Col. Cortlandt provide canvas and thread for the making of ten beds for the companies at Albany. Capt. Weemes to get them made at Albany.

Petitions of Michael Hawden, Jacob Mauritz and Johannes Provoost read and referred to Committee.

John Bleeker paid 6*l.* for interpreting to the Indians at Albany these six years past.

Collector of the Excise of the City and County at Albany ordered to give an account thereof to the Commissioners of the Customs that this Board may be informed thereof.

Petition of James Kinard, praying for 10*l.* reward for taking two deserters, rejected, it being his duty as a serjeant in His Majesty's pay. But his charges will be allowed him. [*Board of Trade.* New York, 72. *pp.* 360–363.]

Oct. 7–10. **818.** Minutes of Council in Assembly of New York. The Members of Assembly not yet having come to town, the Assembly was adjourned from day to day. [*Board of Trade.* New York, 72. *pp.* 843, 844.]

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Oct. 8. Whitehall. **819.** R. Yard to the Lords Commissioners of Trade. The Lords Justices desire you will lay before them the draught of the Charter you lately received from the Earl of Bellomont for Hervard Colledge in New England, togcther with such alterations and additions as your Lordships conceive necessary for His Majesty's service to be made in the same. *Signed*, R. Yard. *Endorsed*, Recd. Read Oct. 9, 1700. 1 *p.* [*Board of Trade.* New England, 11. *No.* 18; *and* 38. *p.* 253.]

Oct. 8. Whitehall. **820.** Mr. Yard to the Council of Trade and Plantations. Your Lordships' report having been laid before the Lords Justices, their Excellencies direct that you send a copy of Matthew Plowman's petition to the Earl of Bellomont, with directions to enquire into the truth of the allegations therein set forth, and to make his report thereupon. *Endorsed*, Recd. Read Oct. 9, 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 31; *and* 54. *p.* 432.]

Oct. 8. Whitehall. **821.** Journal of Council of Trade and Plantations. Letter from Mr. Sansom, Oct. 5, read. Representations upon the Acts of the Massachusets Bay and of New Hampshire agreed to.

Oct. 9. Letter from Mr. Yard, Oct. 8, read. Their Lordships not having received any such draught of a Charter for Harvard College as was there referred to, the Secretary ordered to write to Sir Henry Ashurst for it. Representations, agreed to yesterday, signed.

Letter from Mr. Burchet, Oct. 8, read, and directions given for an answer.

Letter, from Mr. Yard, Oct. 8, directing a letter to be writ to Lord Bellomont in relation to Mr. Plowman's petition read, and letter ordered accordingly.

Report upon the preservation of His Majesty's timber in the Plantations further considered. [*Board of Trade.* Journal, 13. *pp.* 199–201; *and* 97. *Nos.* 178, 179.]

Oct. 8. Admiralty Office. **822.** J. Burchett to William Popple. Yesterday I received several letters from Capt. Fairborne, who commanded the ships last sent to Newfoundland, in one of which he has sent the heads of enquiry relating to the trade in those parts, and a list of the several fishing ships and vessels. Possibly he has in the packet directed to you transmitted those things to you for my Lords of the Council for Trade; but if not, you shall have them from hence. He has likewise sent a draught of the Bay of Bonavista, and if he has not done the like to you, I know not how I shall either get that copied, or of the draught of Trinity Harbour, which the Captain of the *Mary* galley will in some little time send hither. That ship brings from Capt. Richards the model of a redoubt he designs at the entrance of St. John's, but to whom that is consigned he gives me no account. *Signed*, J. Burchett. *Endorsed*, Recd. Read Oct. 9, 1700. 1 *p.* [*Board of Trade.* Newfoundland, 4. *No.* 17; *and* 25. *pp.* 380, 381.]

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Oct. 9. Whitehall.

823. William Popple to Mr. Burchett. I have received a letter from Capt. Fairborne with answers to the enquiries, etc., so there is no need of your sending a copy. But as to the draughts you mention, (*see preceding abstract*), if you please to let me have those that are sent you, I will take care to have copies made and return them to you. [*Board of Trade.* Newfoundland, 25. *p.* 382.]

Oct. 9. Whitehall.

824. Council of Trade and Plantations to the Lords Justices. We have considered the Acts past in several Assemblies of the Massachusets Bay, Dec. 15, 1697–March 13, $\frac{1699}{1700}$. *Acts, which have expired or which are recommended for approval, enumerated.* Acts which we humbly conceived not fit to be confirmed, (1) An Act for establishing of precidents and forms of writs and processes in Civil Causes. The form of an attachment for reviewing of causes at the Superior or Inferior Court respectively is liable to this objection, viz., where A had recovered judgment against B, and B prayes a review, the Sherif is by this writ commanded to arrest A, who had recovered, and to have him forthcoming before the Judges, even before the judgment for him is reversed, which practice seems to be very incongruous and unreasonable. (2) An Act establishing of seaports within this Province and for ascertaining the fees for entring and clearing of vessells, inward and outward bound. This Act, appointing that no other places besides those therein named, shall be ports for the lading and unlading of ships, trading to and from that Province, seems thereby to intrench upon the power granted 25 Charles II, for the encouragement of the Greenland and Eastland trades, to the Commissioners of the Customs here, under the direction of the Treasury, to appoint ports in all His Majesty's Plantations for the lading and unlading of the commodities therein enumerated, and the said Act also, establishing more ports than we conceive to be necessary for that Province, and several of them, as we have been informed, not having one vessel belonging to them, nor any vessel either of their own, or others, having laden or unladen there for several years past, we are humbly of opinion that the establishing of so many ports in such inconsiderable places will not only occasion a greater charge in maintaining officers to attend them, but be also a great means to encourage and promote clandestine and illegal trade. (3) An Act for regulating and inspecting the building of ships. By the Preamble of this Act it seems to be grounded upon a mistaken opinion, as if there were some such practice in England, settled by Law, whereas there is not ; and if the said Act should be confirmed or continue in force, it would subject His Majesty's builders, in case it should hereafter be thought fit to build any ships there for His Majesty's service, to the inspection and controul of overseers to be appointed by the Justices of the Peace of that Country, and to other powers thereby granted to them ; and would in like manner subject all merchants of England, that may send thither to build ships for their own use, to the same rules, which seeme unto us inconvencies fit to be avoided. (4) An Act for the regulating and

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directing the proceedings in the Courts of Justice. This Act giving a liberty for three tryals in the Courts of that Province, before sentence or judgment in any case be final, and between each of those tryals allowing a liberty of three years suspense, we are humbly of opinion that this so oft renewing of tryals there in the same case, and the long suspense before any final issue, is delatory and vexatious. (5) An Act for the better preventing of the spreading of infectious sickness. There is no such Act as this that we know of in any other of His Majesty's Plantations; and by the uncertain interpretation that may be put upon the terms contagious, epidemical and prevailing sickness, we think it may be liable to great abuses; the penalties also thereby inflicted seem unto us too high; and we are therefore humbly of opinion that the inconveniences thereby intended to be prevented may be better provided against by order of the Governor and Council from time to time than by any standing Act of the General Assembly. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* New England, 38. *pp.* 239–249.]

Oct. 9. Whitehall. **825.** Council of Trade and Plantations to the Lords Justices. The Earl of Bellomont having lately transmitted to us some Acts of the General Assembly of New Hampshire, Aug. 7, 1699, upon which we cannot make a perfect report, (because of the confused and uncertain state of the former Acts of that Province) until we receive a complete and authentick collection of the whole, which has accordingly been required; we only crave leave at present to represent our opinion upon two: (1) An Act for restraining and punishing privateers and pirates. Which, tho' it might have been useful to the end intended, in case no other provision had been made here for the same purpose, yet, finding it inconsistent with the Act past here the last Session of Parliament for *the more effectual suppression of piracy*, we are humbly of opinion that it be repealed. (2) An Act for a tax or assessment of 500*l.* Which being intended for the proper use of the Earl of Bellomont, but by the constitution of that Government his Lordship not being allowed to receive the benefit thereof without His Majesty's approbation first had, we humbly offer that your Excellencies permit him to receive the said sum. *Signed as preceding.* [*Board of Trade.* New England, 38. *pp.* 250, 251.]

Oct. 9. Whitehall. **826.** William Popple to Sir Henry Ashurst. The Lords Commissioners for Trade and Plantations having received letters from the Earl of Bellomont, wherein he writes that he had desired you to attend them about a Charter for Harvard College, in New England, and their Lordships being called upon by the Lords Justices for the draught of that charter, but not having themselves received any such thing they have commanded me to give you this notice, that you may take the necessary care in the matter. [*Board of Trade.* New England, 38. *p.* 252.]

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Oct. 10. **827.** William Crouch and Joseph Tatem to the Council of Trade and Plantations. Petitioners having understood from their agents and factors in New England that the Earl of Bellomont had forbid the sending of pipestaves, deal boards and other timber from thence to Spain and Portugal and that a ship called the *Mary*, of about 300 tuns burthen, which they had designed from Piscataway to Portugal with a lading of that sort was not permitted to proceed on the said voyage, obtained an Order of Council, May 9 last, directing that she should be permitted to proceed. But before the arrival of the said Order, the petitioners' correspondent, Mr. Partridge, being ignorant of what had been done here, and finding the delay of the voyage and the detention of the ship there to be very prejudicial to them, had, in compliance with the Earl of Bellomont's desire, entered into bond of 3,000*l.* to His Majesty that the said ship should proceed with her lading directly for England, and being arrived here that some of the owners should lay before your Lordships a true and perfect inventory of her lading, and offer to your Lordships the pre-emption thereof, or such part thereof as should be thought suitable for the service of H.M. Navy at the current market-price. The ship being now arrived in Tor Bay, the owners pray that the bond may be cancelled and the ship allowed to proceed to Lisbon. *Endorsed*, Recd. Read, 10 October, 1700. 2½ *pp.* [*Board of Trade.* New England, 11. *No.* 19; *and* 38. *pp.* 254–256.]

Oct. 10. Whitehall. **828.** Council of Trade and Plantations to the Lords Justices. Recommending the foregoing petition, "We have nothing to object why your Excellencys may not be graciously pleased to grant the prayer of their petition." *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* New England, 38. *p.* 257.]

Oct. 10. Boston. **829.** Minutes of Council of the Massachusetts Bay. Proclamation ordered further proroguing the Assembly till Feb. 12th.

Edward Procter, tailor, of Boston, Simeon Stoddard and Thomas Adkins, granted leave to make timber additions to their houses.

Robert Starkey paid at the rate of 3*l.* 17*s.* 6*d.* per month for his services as pilot to H.M.S. *Arundel.*

Samuel Sewall paid 15*l.* for one year's rent for Lord Bellomont's use of his stable and coach-house.

55*l.*, one quarter's salary, paid to Mr. Increase Mather, President of Harvard College. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 16, 17.]

Oct. 10. **830.** Journal of Council of Trade and Plantations. Letter from Mr. Hilary Reneu of the 1st inst. read. Directions given for writing to Lord Bellomont thereupon.

Petition from Wm. Crouch and Joseph Tatem read and a Representation thereupon drawn and signed, wherewith to lay the same before their Excellencies the Lords Justices.

Letter from Mr. Markham, late Lieut-Governor of Pennsylvania, March 1, read.

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Oct. 11. Letter from Capt. Fairborn, Newfoundland, Sept. 11, read, and his account of the Fishery, etc., laid before the Board.

Letter to Lord Bellomont, concerning Mr. Plowman's petition, was signed and delivered to Mr. Plowman.

Representation about the timber in H.M. Plantations was agreed upon. [*Board of Trade.* Journal, 13. *pp.* 201–203; *and* 97. *Nos.* 180, 181.]

Oct. 11. **831**. Minutes of Council in Assembly of New York. The Representatives attending, His Excellency recommended unto them the repealing the Act passed last Session "for the better securing the Five Nations in their fidelity to His Majesty," which will not answer the end intended, and hath been generally declared by the merchants in this Province to be pernicious to the trade thereof, and a diminution of the Revenue, and advised them to passe a law for the raising the sum therein mentioned for the use intended, and told them that whatsoever else he had to recommend to them should be sent to them in writing. [*Board of Trade.* New York, 72. *pp.* 844, 845.]

Oct. 11. **832**. Minutes of Council of New York. John Peroo, master of the sloop *Three Brothers*, granted a Commission. His Excellency acquainted the Council that he had for some time past expected Mr. Graham, the Attorney General, in town, to have given an account why Capt. Shelley and his men, who had been so notoriously guilty of openly bringing from Madagascar fifty pyrats and their effects, great part whereof were landed in this Province, to the great scandal of H.M. Government, were not committed, but the Attorney General, by reason of his indisposition or otherwise, does not appear in town, His Excellency does therefore think fit no longer to delay the examination of that matter, that he may be enabled to give the Government of England an account thereof, and His Excellency having produced several letters to the Council, wrote to and received from the Lieut-Governor by him, at Boston, wherein was contained such directions as was given by His Excellency on that head, as also the Lieut-Governor's signifying what had been done therein, His Excellency and Council are of opinion that reference ought to be had to such letters as were wrote and received, as is aforesaid, and that Dr. Staats and Mr. Walters their depositions be taken, together with the Clerk of the Council, how the Attorney General gave his opinion in that matter, and who dictated the Minute of Council made thereon.

Salaries of various officers passed.

Oct. 12. Col. William Smith informed the Board that he had let the Excise of the County of Suffolk for 1699 for 21*l.* 6*s.* 7½*d.*, which, after deducting 4*l.* 2*s.* 7½*d.* for expenses, he was ready to pay unto the Commissioners of the Customs. Ordered accordingly, after examination of the account. [*Board of Trade.* New York, 72. *pp.* 363–365.]

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Oct. 11. Whitehall. **833.** Council of Trade and Plantations to Governor the Earl of Bellomont. Enclosing petition of Matthew Plowman for enquiry and report. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* New York, 54. *p.* 433; *and* (*rough draft*) 44A. *No.* 52.]

Oct. 11. **834.** Minutes of Council in Assembly of Barbados.
Gunners' salaries for Clarendon and Rochester forts paid.
250*l.* paid for six months' rent for the Governor's house.
Report of the honble. Geo. Lillington and George Andrews, upon the removal of Col. Robt. Bishop from the office of Chief Judge of the Court of Common Pleas for the precincts of St. Michael, was read, together with a Minute of Council, Jan. 12, 1696 and deposition of Tho. Dodd, then and now Clerk of that Court, approved and ordered to be entered in the Council Book in order to be sent home to the Lords of the Council of Trade pursuant to their direction. (*Entered accordingly, pp.* 549–551.)
Two Petitions of Edward Lascelles recommended to the Assembly. [*Board of Trade.* Barbados, 65. *pp.* 547–551.]

Oct. 13. Quebec. **835.** Extract of a letter from Quebec. Our Governor has concluded the peace with the Iroquois very gloriously for His Majesty, having with his customary prudence managed so well that he compelled them to come to demand it, in spite of all the opposition of the Engish. He has succeeded in making himself the arbiter of all the Nations, by making them make peace also with all those beyond. This will give us some relief from the contributions which we were obliged to make, to meet the great expenses of the war. *Endorsed*, Communicated to the Board by Mr. Blathwayt, Feb. 11, 1700 (1701). *Copy. French.* ½ *p.* [*Board of Trade.* New York, 11. *No.* 15; *and* 55. *p.* 119.]

Oct. 14. Whitehall. **836.** Council of Trade and Plantations to Governor Sir William Beeston. We have received your letters of April 20, May 3 and June 16. We observe what you write about Mr. Toplady. No complaint having yet been made to us for his not being admitted, we have not offered anything to His Majesty upon that subject, but if occasion require we will be mindful of your objections, and endeavour to inform ourselves further about him, as shall be necessary. Meanwhile, as to your conduct towards Patentees, we refer you to our letter of May 17 last (No. 448). Enquiry having been made into the matter of Mr. Allen Brodrick (*see* Jan. 26), and we having offered the exceptions, which you sent us (*see Cal.* A. and W. I. 1699. No. 887.i.), but some of them being contradicted and others thought insufficient, and it being probable that matter may be strictly examined, we therefore desire you to send us what particular proofs you have, or what else you think fit to offer in relation to such of those exceptions as you judge a sufficient ground (if proved) for your refusing to admit him according to the intent of H.M. Letters Patent; that we may thereupon report or take such further measures as shall be convenient. We have

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considered the estimate that you send us, April 20, of the value of what is shipt yearly from Jamaica to England, and desire you to let us know upon what ground you compute the sugar at 17*l.* per hhd., that we may distinguish how much thereof is properly the produce of that Island, and how much arises from fraight, Customes or other charges. We desire you also to give us the same distinction in relation to indico. As for gold and silver, we would also know how you are satisfied that so much is sent from thence, and what proportion of it you think is procured from the Spaniards in return of the draperies and other English goods that are sold them, and what proportion for negroes. And we likewise desire you to calculate and let us know what you judge the value of the goods imported into that Island from England do amount to yearly, upon such an estimation as you may be able to make of their first cost here. In answer to what you write, May 3, relating to Mr. Attorney and Mr. Sollicitor's opinion about the naturalizing and endenizing of foreigners, in the Plantations, we do not understand that there is anything in their opinion contradictory to or inconsistent with the authority you have to endenize foreigners by the Laws of that Island, only you are to observe that the privileges you grant unto them by virtue of those Laws do not extend beyond the limits of your Government; nor are any naturalizations or endenizations in the Plantations of any further extent than the limits of each Plantation respectively. As for pirates, we refer to ours of May 17. The Commissions are now passing through the other offices, so that we hope they will shortly be dispatched. The papers that you have sent us in answer to the Baron de Belmonte's memorial relating to the Jews at Jamaica, we have transmitted to Mr. Secretary Vernon, to be made use of as occasion shall require, and have not since heard anything about that matter. Your last letter also of June 16, upon the subject of Mr. Smith's ship, shall be made use of as fit. *Signed*, Jon. Pollexfen, Abr. Hill, Geo. Stepney, Mt. Prior. [*Board of Trade.* Jamaica, 57. *pp.* 98–102.]

Oct. 14. **837.** Governor and General Assembly of Connecticut to the Council of Trade and Plantations. We have received your letter of May 27, by which we understand our letter concerning the matters mentioned were not then come to your hands. Your letter of April 24, 1699, was laid before us at the Sessions of the General Assembly next following the receipt thereof. We immediately sent for Major Palmer and gave him opportunity to manifest to us the injustice which he had complained of as don him by the County Court at New London, that being the proper course our law directed to for relief to any person so agrieved, which he refused to do, of which we did by the next opportunity of ships for England give your Lordships an account. We also laid before you our humble requests relating to appeals, By which we presume you will perceive that we have not omitted to render a speedy obedience to His Majesty's command. *Signed*, by order of the Governor and Assembly of His Majesty's

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Colony of Connecticut, Eleazar Kimberley, Secretary. *Endorsed*, Read 25 April, 1701. *Addressed and sealed.* ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 69.A.; *and* 27. *pp.* 43-45.]

Oct. 14. **838.** Journal of Council of Trade and Plantations. Letter to Sir Wm. Beeston signed.

Order of Council, Sept. 5, about the Council of Virginia, read.

Acts of Antegoa, March 21, 22, having been lately received from Mr. Cary, were now laid before the Board.

Mr. Sollicitor General's report, upon the Acts of Nevis, Aug. 1699 and Jan. $\frac{16}{1700}$, laid before the Board.

Oct. 15. Representation relating to the timber in H.M. Plantations signed and sent to Mr. Yard to be laid before their Excellencies, the Lords Justices.

Oct. 16. Letter to Governor Grey signed.

Letter from Mr. Yard, Oct. 15, with enclosures concerning Sta. Lucia read.

Letter from Governor Blakiston, July 5, read, and papers referred to laid before the Board. [*Board of Trade.* Journal, 13. *pp.* 204–207; *and* 97. *Nos.* 182–184.]

Oct. 14. **839.** Minutes of Council of New York. Several officers took the oaths appointed.

11*l.* 6*s.* 6*d.* paid to Thomas Farmer for arresting and bringing in a deserter from Philadelphia.

Oct. 15. Order for sending to England all old, decrepit soldiers.

Francis Vincent, sail-maker, paid 8*l.* for sails to the new Custom-house barge. 5*l.* paid to Cornelius Lodge for painting the same, 34*l.* to John Latham, ship-carpenter, for work and materials for the same.

1*l.* 6*s.* 6*d.* paid to Robert Cranwell for rum for the carpenters employed for building the Custom-House pinnace.

6*l.* paid to Jean le Chevalier, carver; 4*l.* to John Coolley, blacksmith; 2*l.* to John Owen, joiner; and 19*l.* to John Ellison for work done on the Custom-house barge.

10*l.* paid to Aert Elbertsen, boatman, for the hire of his sloop to Nassau Island.

Oct. 16. Jean le Chevalier's account referred to a Committee.

The old house in the fort, wherein His Excellency lives, being very much decayed and the beams that support the first floor very rotten, soe that it will be in danger to fall this winter, ordered that a mason and carpenter view and report upon it.

Col. Smith's expenses in obtaining intelligence about the Indians, etc., ordered to be paid.

Col. William Smith's expenses in salving a scow wrecked in Suffolk County allowed. If she was claimed within a year, and the said expenses were paid by the claimant, he was directed to hand her over; if not, to sell her and, after deducting his expenses, to hand over the proceeds to the Receiver General. [*Board of Trade.* New York, 72. *pp.* 365–370.]

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Oct. 15. Whitehall.

840. Mr. Yard to the Council of Trade and Plantations. The Lords Justices send you a copy of a letter the French Ambassador writ lately to Mr. Blathwayt, together with a copy of Mr. Grey's letter to the Marquis D'Amblimont concerning the Island of Sta. Lucia. It is His Majesty's pleasure that you prepare thereupon such an answer as may be fit to be given to the said Ambassador, and that the same may be ready to be laid before His Majesty at his return. *Signed*, R. Yard. *Endorsed*, Recd. Read Oct. 16, 1700. *Enclosed*,

840. i. French Ambassador to Mr. Blathwayt. A la Haye, Oct. 16 (*N.S.*). You will see from the enclosed letter, that Governor Grey tells M. Damblimont, "Gouverneur des Isles Françoises de l'Amerique," that he has orders from His Britannic Majesty to drive out all the French who establish themselves without his permission in the Island of Ste. Alouzie, to which he adds such strong threats, that M. Damblimont has been obliged to reply that, not being aware that His Britannic Majesty has any right on this Island, which has always belonged to France in all sorts of times, he will maintain them there against all who wish to undertake to drive them out. Allow me to tell you (*vous voulez bien que je vous dise*), Monsieur, that France has been in possession of the said Island for several years, that it has never been laid claim to by any Treaty or any Foreign Power, that Mr. Temple, who wished to establish himself there, withdrew as soon as M. de Blenac informed him of the rights of the King, my master. Therefore I shall be extremely obliged if you will send the necessary orders to Barbados without loss of time, in order to prevent incidents which might arise in the course of those disputes, and to maintain the good relations which ought to prevail between the two nations, the King, my master, having commanded his officers there to do all they can towards that end. *Signed*, Tallard. *French. Copy.* 2 *pp.*

840. ii. Governor Grey to M. Damblimont. July 23, 1700 I have received orders from the King of Great Britain to take care to assert his rights and claims to the Island of Ste. Alousie (Sta. Lucia) in my Government, and to oblige all, who settle there without his permission, to depart. Being informed that some subjects of His Most Christian Majesty have recently built some houses with the intention of settling there, contrary to the rights of the King my Master, I am obliged to inform you of this affair, not doubting but that you will take the necessary steps to oblige such of the subjects of the King your master, as are now in the island or shall be in the future, to withdraw, in order that I may not be put to the necessity of compelling them by disagreeable means. *French. Copy.* 1¼ *pp.* [*Board of Trade.* Barbados, 8. *Nos.* 57, 57.i., ii.; *and* 45. *pp.* 111–115.]

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Oct. 15. Whitehall.

841. Council of Trade and Plantations to the Lords Justices. In obedience to your commands, we humbly report upon His Majesty's timber in America. Besides the infinite number of pines and oakes, which grow throughout the whole Province of New Yorke, Lord Bellomont has more particularly informed us that in the northern part of the said Province are growing abundance of huge pines, some of eleven or twelve foot in circumference, fit for masts for His Majesty's first-rate ships, which, if they can be got down the great fall above Albany without breaking, as he is confident they may in the winter time, then the floating them down to the port of New York being easy and not chargeable, they will be the cheapest masts of that size in the world; that on the bank of Hudson's River not far above the city of New York, very conveniently for water-carriage, is also growing a noble range of timber trees for knees and planks, amongst which his Lordship hoped to find some of the length nccessary for beams for a first-rate man-of-war; that in New Hampshire and thence eastward to the River St. Croix, there is a vast extent of woods, from whence may be had pines for masts and oaks for all principal ship timber. My Lord believed His Majesty may be better and cheaper furnished therewith from Piscataway than now from England, and if the King should think fit to have timber brought from thence for the use of his Navy, it would be adviseable to do it in hag-boats or such-like vessels built on purpose for that service on His Majesty's own account. He thinks it not unlikely that deals also may be brought cheaper from thence to England than we have them now from Norway. He complains that the French are daily incroaching upon our territories from St. Croix westward, pretending to extend their right as far as Kennebeck; and that, without staying for a determination of those boundaries, their Jesuits have lately built a great church, at a place called Narigewack on Kennebeck River, upon which he observes that if their pretentions should be allowed, His Majesty would lose a country of 190 miles in length, abounding with excellent timber and upon a coast no less valuable for its fishery. He further complains of the great waste and havock of timber, made more particularly in the woods of New Hampshire and Province of Main, and of the officers for not looking more carefully after them. He says that there are above 50 saw-mills (and above half of them double) constantly at worke in the little Province of New Hampshire, the least of which do twenty times the work of two men; that the great pines, which are now or in a few years would be fit for masts for His Majesty's ships of war, are there sawn into boards, and the great oaks cut into pipe-staves; that amongst those oaks some have been of that bigness as to afford them 14 lengths of pipe-staves at 4½ foot each length; that unless some speedy course be taken to prevent this destruction of those woods, his Lordship apprehends that in two or three years time there will not be a good tree left for the use of His Majesty's Navy, but what will be so far up in the country that the carriage to Piscataway will cost more than it will be worth, and that he

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has been informed by Mr. Bridger that even now they are forced to go 20 miles up into the country to get a good mast. This destruction of the woods his Lordship imputes partly to the furnishing divers of His Majesty's Plantations, on the Continent and Islands in the West Indies, with deals, staves and other such like timber for their occasions, but chiefly to the exportation of masts and other principal ship-timber (together with lumber for stowage) to Spain, Portugal and other foreign parts, which exportation he esteems of very dangerous consequence, not only by its tendency to deprive the King of such a nursery of the noblest timber of all sorts that is in any of His Majesty's dominions, but also because it is a means, either directly or indirectly, to supply other princes therewith, and amongst them very probably some who, upon a turn of affairs, may prove our enemies. His Lordship has endeavoured to hinder this exportation, but finds it very difficult to effect, by reason of the great profit made by that trade, and more especially because he is not authorized to do it by law, for which reason he proposes that an Act of Parliament should be past here, to forbid it. In the meanwhile, upon occasion of a vessel laden by Mr. Partridge, Lieut.-Governor of New Hampshire, with such timber for Portugal, he had thought it necessary for His Majesty's service to engage the said Partridge to enter into bond to send the vessel to England and give His Majesty the pre-emption thereof at the market price. Upon consideration of the value of those woods, which he esteems very great, and of the weakness of Mr. Allen's title to the Proprietary of New Hampshire, in which he conceives the Crown has been greatly defrauded, His Lordship proposes that the grant of the Province of New Hampshire may be vacated by Act of Parliament, with a proviso for reimbursing Mr. Allen the 250*l.* which my Lord had understood was all the said Allen paid for that province to Mr. Mason, the grantee, and with a saving to the inhabitants for the lands they have improved under a yearly reasonable quit-rent. We farther understand by a report made to the Navy Board by Mr. Bridger and Mr. Holland, Commissioners employed by them to inspect the Naval Stores in New England, that the woods of New Hampshire afford abundance of all sorts of oak and pine timber proper for the use of His Majesty's Navy; that the waste in those woods has been incredible; that the oaks are there cut into staves and the pines into boards, some of which boards have been of three-foot diameter; that this waste proceeds in part from the neglect of the surveyor or his deputy, and partly from the uncertain boundaries of townships, which gives a pretence to the inhabitants frequently to incroach upon His Majesty's woods; that if His Majesty should pursue the design of bringing timber from thence, it will be convenient to build transport ships there for that service; that building of ships there will prevent the waste which would be made of much timber in cutting out only such pieces as may be fit to be sent home; and that the woods in the eastern parts (if settled) would afford plenty of as good timber, if not better and cheaper, than New Hampshire. We have

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likewise understood from Mr. Partridge and Mr. Jackson, the persons nominated by Sir Henry Ashurst for inspecting the Naval Stores in New England, in conjunction with those appointed by the Navy Board for that service, that in the Province of Main and adjacent countries extending eastward from the River Piscataway, and including the foresaid River Kennebeck and divers other places now claimed by the French, grow great plenty of excellent oake and pine, fit for His Majesty's service, but that in travelling through the woods in those parts they had not found any fir trees larger than about 16 or 18 inches diameter; that the River Piscataway being the boundary between the said Province of Main westward and New Hampshire, there are particularly on both sides that river great numbers of oake and pine, which may afford a supply of timber and masts for many years to come; that they had viewed the plank and timber sent for England by Mr. Bridger before it was shipt off; and judged it good, and fit for his Majesty's service, not doubting but it would accordingly be approved of by the King's builders in England as to its quality; that they believed it would be for His Majesty's service to build ships of war and transport ships in that country, and to bring home the masts, timber and other Naval Stores that may be provided there in such ships upon his own account. *Report of* "His Majesty's officers of Deptford and Woolidge" *upon specimens of timber from New England quoted.* Which report we observe to be in substance to the very same effect as what some of the said officers reported formerly upon a parcel of timber, brought over from New England by Sir Henry Ashurst and Sir Stephen Evance in the year 1696. Upon consideration of all these matters we humbly represent that;— In relation to New Yorke, we have desired Lord Bellomont to make trial of the method by which he conceives the great pines that grow in the northern parts of that Province may be got down the great fall above Albany, and to make an exact computation of all charges, that it may be known what they will stand in, delivered on ship-board at New York. New Hampshire is a separate propriety, but under His Majesty's immediate Government. All the rest of that coast eastward, as far as Nova Scotia inclusively is granted by His Majesty's Charter of Oct.7, 1691, to the inhabitants of the Massachusets Bay, and incorporated with the Massachusets Bay and Colony of New Plymouth into one Province. The country of Nova Scotia was yielded to the French by the Treaty of Breda. The western boundary of Nova Scotia is the River Sta. Croix, which ought to be esteemed the utmost extent of the French territories on that side. Not only the woods in those parts belonging to the Dominion of the Crown of England, but also the fishery all along that coast are of very great value, and if the pretensions and incroachments of the French be not stopt, the loss and prejudice thereby accruing to us will be doubled by the advantages that they will receive by it. It appears unto us therefore a matter of great importance that His Majesty's title to all that country and coast eastward as far as the River Sta. Croix be asserted

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and maintained, and that such methods be used for the dispossessing of the French of what they have already usurped as to your Excellencies' great wisdome shall seem convenient. The annual supplies of masts, brought from thence upon contracts with the Navy Board for the use of His Majesty's Navy are a demonstration of their fitness for that service. The quality of the oaken timber growing in those parts may be known by the proof of two ships, viz., the *Falkland* and the *Bedford*, which were built there, and are now in His Majesty's Navy. Tho' the said timber be judged by His Majesty's Officers of Deptford and Woollidg too weak and subject to decay to be employed in the building of His Majesty's ships of war, yet nevertheless the common practice of merchants in building ships there for their own occasions is an argument of its usefulness in some good degree, so that the care of preserving it ought by no means to be neglected. For the better removing of all doubts concerning the quality and usefulness either of pine, oak or other wood growing in those parts, it may be expedient to incourage the importation of all such wood here, by an exemption from Customs for a limited term of years, in which time and by which experiment it may be better judged how far it shall be fit to allow or restrain the exportation of it from thence to forreign parts, and how far it may be advisable that any supplies of timber should be brought from thence hither for the use of His Majesty's Navy. The waste made in the woods of New Hampshire being very great, it is justly to be apprehended that the most useful trees growing in the most convenient places for transportation will in a few years be destroyed. There is no sufficient provision yet made for the preservation of any of those woods. By the reservation in His Majesty's Charter to the Massachusetts Bay (*quoted*), there seems to be left to the inhabitants an intire liberty of cutting what oak they please, whether great or small. The same liberty seems also to be left for all trees proper for masts under the dimentions there specified, so that the nursery of growing pines, if never so little under those dimentions, may be destroyed without incurring any penalty. In the grant of New Hampshire there is not any reservation of this kind, but we have been informed by Mr. Brenton, Surveyor of His Majesty's woods in those parts, that by antient custom the reservation of trees for His Majesty's use has been there understood to be the same as now in the Massachusetts Bay. It seems very necessary some further and more effectual regulations be made to prevent the foregoing inconveniences, and more especially for the preservation of all trees whatsoever that now are or may be fit for masts for the Royal Navy, which we humbly conceive may be done either by Acts of the respective Assemblies there, or by Act of Parliament here. The Earl of Bellomont, who has the best opportunity to understand all the circumstances of these matters, may therefore fitly be directed to use his endeavours with the respective Assemblies of the Massachusets Bay and of New Hampshire, to pass Acts for preventing the future spoiles of those woods, and preserving a nursery of such trees as may be useful for His

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Majesty's service, and in case he cannot prevail with them to pass Acts to those purposes, that he send over hither the heads of such a Bill as may be effectual for those ends, and proper to be past here. As to what relates to Mr. Allen's title to New Hampshire, that being a dispute of property, and he not appearing here himself to defend his claim, we humbly crave leave to suspend any opinion upon it. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* New England, 38. *pp.* 258–274.]

Oct. 16. Admiralty Office.

842. J. Burchett to William Popple. I send you the draught of the Bay of Bonavista (*see No.* 822), which I desire you'l return to me when it shall be copied. That of Trinity Harbour and of the Redoubt for St. John's, I will send when they come to my hands. *Signed*, J. Burchett. *Endorsed*, Recd. 16, Read Oct. 17, 1700. ¾ *p.* [*Board of Trade.* Newfoundland, 4. *No.* 18; *and* 25. *p.* 395.]

Oct. 16. Whitehall.

843. Council of Trade and Plantations to Governor Grey. We have received yours of March 23, April 20 and 27, May 10 and June 15. We have laid before His Majesty what you write relating to Scotchmen and their being put out of the Commission of Peace through Barbadoes, and you will have received His Majesty's directions for restoring them. As to your admitting of members into His Majesty's Council, you ought to have complyed with the directions given you in our letter of the 23rd of Jan. last, to which we still adhere, and expect you shou'd act accordingly. And you will find by the enclosed paper that His Majesty's Attorney General here is of the same opinion. We send you copies of two Representations that we have laid before His Majesty, the one relating to Tobago, March 28, the other to Dominico, June 12, upon which His Majesty not having given any directions, they may serve only for your own private information. We sent you, Aug. 1, a copy of their Excellencies' Order in Council, July 18, directing you to transmit an account of the method of proceedings in the several Courts. Having since found it necessary to make more particular enquiry, not only into that method, but also into ye execution thereof, and the practice of the respective Courts in pursuance of the ends of their Institution; we send you a paper containing some directions relating thereunto, upon which we desire you to take care that the several accounts and copies of Registers therein mentioned, be accordingly prepared, and to transmit them to us with your own observations and answers upon each head, as you shall understand to be necessary. *Signed*, Philip Meadows, John Pollexfen, Abraham Hill, George Stepney, Mathew Prior. *Annexed*,

843. i. Directions to Honble. Ralph Grey, Esq. (1) That you send a copy of the Register and Minutes of the Chancery, and of the Minutes taken, and business done, as a Court of Errors, since your arrival in that Island. (2) That you send a particular account and

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list of all causes that now stand entred in the Chancery or are depending there, and how long each of them has depended. (3) And specify each day of the month that a Court of Chancery and Court of Errors hath been held, and how many successive days that Court has at any time continued to sit since your arrival; in which account the proceedings of each day are to be severally set down, and the names of such members of Council as attended each day inserted. (4) An account how many final decrees have been made there, since your arrival, how many injunctions granted, how many dissolved, and how many remain still in force. (5) Whereas by an Act of that Island, 1661, the five several Courts of Common Law have certain days appointed for their sitting, it is expected that you send a particular account, how many of the said days each of those Courts hath sate, since your entring upon that Government, together with an account of the business they have done each day, copied from their minutes. All the forementioned accounts to be fully and plainly given by the Registers or other proper Officers of the respective Courts, and sufficiently attested. And it is further thought necessary that for the future you hold the Court of Chancery as often, and for so long a time as shall be requisite for dispatch of the several causes depending before that Court, and that an exact account be always kept of the names of such of the Council as do give their attendance during the sitting of the said Court, so that the Register or other proper Officer may be able to give a particular account thereof on oath from time to time, if the same shall be required. [*Board of Trade.* Barbados, 45. *pp.* 106–110.]

Oct. 16. **844.** Minutes of Council in Assembly of New York. An Act for the better payment of the Representatives, sent up, was read the first and second times and committed. [*Board of Trade.* New York, 72. *pp.* 845, 846.]

Oct. 17. New Yorke. **845.** Governor the Earl of Bellomont to the Council of Trade and Plantations. My last letter, July 26, gave an account of my arrival here from Boston, July 24. The General Assembly were to have met the next day, but did not do so till the 29th, because six of the Members were not come down Hudson's River. In my speech to the Assembly I confined myself to the single point of preserving the Five Nations of Indians by settling Ministers among them, and building a Fort; but how well they comply'd with me, you will know in the sequel of this letter. The 31st the Representatives sent me six queres relating to the Fort I proposed to be built, to which I returned my answer in writing. Several Bills were offered me and the Council by the Representatives for our passing, but some we thought frivolous,

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and some had clauses inconsistent with the laws of England, which for those reasons we laid aside, and only passed three Laws, viz., an Act for appointing and enabling Commissioners to examine and state the public accounts of this Province; an Act against Jesuits and Popish priests; and an Act for the better securing the Five Nations of Indians in their fidelity to His Majesty. This last Act I gave the assent to with great reluctance, and I believe your Lordships will think the treatment it deserves is to be rejected by the King with scorn. The Council were unanimously against its passing, first because the sum of money to be raised thereby came short of what I proposed for building the fort; secondly because the manner of raising it would be a further clog upon trade, and therefore cause a considerable decrease in the present Revenue arising by Customes. All this I was sensible of, and more than that, I thought the bill derogatory to the King's prerogative, that the House of Representatives should take upon them to appoint Commissioners to direct in the matter of building a Fort. Yet I pressed the Council to consent to the Bill's passing, and if I may arrogate to myself one happy or prudent step since my being in the Government, 'twas that of procuring the passing of that Bill. I told the Council it signified not so much whether the end of the Bill were answered or whether the Representatives had behav'd themselves with that decency and respect to the King that they ought to do in a business of that weight, but the conjuncture of affairs was chiefly to be considered. I was (I told 'em) to meet the Indians in a few days at Albany, and if the Assembly should disagree to the building of a Fort, the enemies of the Government would not fail to represent to the Indians such disagreement with all the colours of malice, which might cause such discouragement among them as to make 'em without more adoe revolt to the French. This argument prevailed with the Council to pass the Bill.

I must acqueant your Lordships how the Representatives come to be so alter'd in their behaviour since the time they setled the Revenue for six years. It proceeds from two reasons, first that I have been tender of purging the Militia (except in this city) of the disaffected party, and of putting them out of the Commission of the Peace, which tenderness of mine has heightened the insolence of that party and extreamly discontented the Leisler party, who were the only men that voted the Revenue and the Act that pass'd for breaking some of Col. Fletcher's extravagant grants. Another reason is the many reports the angry party have confidently given out of their procuring another Governor to be sent from England, and what revenge they would then take of the Leisler party; one while they affirmed that Col. Fletcher was to come Governor again, another while Capt. Evans that commanded the frigat here in Col. Fletcher's time. The Leisler party, who had felt the weight of oppression for seven years together, were so frightened at these reports that one or two of 'em changed sides and gave into the passing this foolish money bill. The long respite or suspension of the 2,000*l.* Act

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from being approved in England, I mean the money which was given to me and the Lieut.-Governor by the Assembly, and also of the Act which vacated some of Col. Fletcher's grants, were urged as undeniable tokens of my disgrace by the angry party, and I must own I thought so too; and the usage I have had in those two particulars has made me quite sick of these Governments. I am not to be shaken or discouraged in the least by the unreasonable opposition of the angry people here, but when I find my services slighted in England, I cannot but be troubled.

I imbarqu'd here for Albany, Aug. 10, as soon as I could prorogue the Assembly, and arrived there the 13th. I cannot expresse the melancholy I was in after I got to Albany, for the Indians, who I feared would have been there before me, made me wait a fortnight for their coming, so that truly I concluded them entirely lost to us. Some people fancied they were tamper'd with by some of the angry party at Albany. The interpreter, who was sent to hasten the Sachems, reported that their minds were so possessed with a jealousy of my intending them mischief, as the French had suggested to them, that they were all that while deliberating whether to venture to meet me at Albany. My conference lasted seven or eight days, and was the greatest fatigue I ever underwent in my whole life. I was shut up in a close chamber with 50 Sachems, who besides the stink of bear's grease, with which they plentifully daub themselves, were continually either smoaking tobacco or drinking drams of rum. They seem'd sullen and out of humour at first, but by degrees I brought 'em to perfect good temper. I am told there never appear'd so many Sachems at any Conference as at this. There were above 200 men, women and children, and 'twas with some difficulty we could find 'em in victuals. I once intended to make some remarks on the heads contained in the Conference, but that would make this letter more troublesome than usefull. I shall only observe that the message I sent last Spring to the Five Nations was a most lucky step, and was, I may presume to say, the hindring the Indians from a revolt to the French. I had the good luck to be too nimble for Bruyas, the Jesuit, and M. Maricour, and by my present of a belt of wampum, I frustrated theirs, insomuch that upon their coming the Indians told 'em they were pre-engaged to me. What's contained about the Dowaganhas Indians coming to live near the Five Nations, and in amity with them, is very considerable; if it can be effected, it will be a mighty blow to the French. I asked our Indians what the number might be of those Dowaganhas that proposed coming to live near 'em; they answered they could not tell their number, but there were 16 castles of 'em, and there may be by that rule 3 or 4,000. My private Conference is so call'd because I intended it should not be printed with the rest; but our printer being sick, I can have neither printed, and I think the lesse those things we transact with our Indians are made publick, the better 'tis for us. You will find that the Indians presse to have bounds and limits setled between us and the French. I am in hopes of bringing the Eastern Indians to come and settle at and about Schackhook with our River Indians; 'tis a project I have

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formerly acquainted your Lordships with, which will be of very great use to strengthen our Five Nations, and annoy the French, whenever we have a war with France. You will find our River Indians make me an overture to that purpose ; our Schackhook or River Indians were of those Eastern Indians, but were driven from that country by the people of New England 26 years ago in the war call'd King Phillip's war. Those Eastern Indians and our River Indians still retain their friendship and intermarry with each other. The Penicook and Eastern Indians were cunning enough to send 10 or 12 of their people to be present at our Conference at Albany to watch and observe whether the Five Nations were in good intelligence with me. One of 'em I remember'd to have seen at Boston, he speaks good English, and I discours'd him long : he told me the Jesuits made him and the rest of the Indians, his neighbours, believe the Five Nations were resolv'd to decline meeting me at Albany this time, and would revolt to the Governor of Canada. I was glad to hear the Mohacks tell those Eastern Indians that if they liv'd not peaceably with the English in N. England, they would look on 'em as their enemies and cut 'em off. And indeed that is an unanswerable reason for the King's uniting the Provinces of Massachusets and New York always under the same Governor, for otherwise the Five Nations can never be so managed as to suppress the rebellions of the Eastern Indians. I gave those Eastern Indians presents, and they seemed well pleased.

The memorial of Mr. David Schuyler, who was newly come from Canada, shews how many of our Indians the Jesuits have decoy'd from us. A few days before my leaving Albany, Samuell York, an Englishman, escap'd thither from Canada after a detention of ten years by the French. His memorial will give you some satisfaction ; if the man be honest I hope to make good use of him. I have sent him with two or three of the Albany men and some of our Indians to the Dowaganhas and other remote Nations, to try to engage them in a trade with us ; he has liv'd among 'em and speaks their language. Whether the Governor of Canada had a jealousie of my sending to those Nations, or had the intelligence thereof from Albany (for some people believe that Bruyas, the Jesuit, and M. de la Valliere staid not there so long last year to observe our poor and shameful fort there, but that they bestow'd some of that time in securing a pensioner or intelligencer) I know not, but 'tis certain that Governor has detached a Captain and 30 men to the Dowaganhas Country, and sent a pardon to a number of French hunters, (whom they call *coureurs de bois*) who have been in rebellion and refused to come to the Governor on his summons. Samuell York and also Jean Rosie, a Frenchman who lives at Albany and came lately from Montreal, assur'd me those *coureurs de bois* were very desirous to come and live under the King's obedience, and would bring a great store of peltry with them, but they fear'd our Five Nations would both rob and knock 'em in the head, which is the reason I advise the Indians in my Conference to give the French traders free passage through their country. If I can get those

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coureurs de bois to come to me, I make no question to draw the Dowaganhas to me; but if the French captain and his party meets Samuell York and his company (who are not above ten men), he will certainly knock 'em in the head. I sent Col. Romer to the Onnondages' Country to find out a proper place for erecting a fort. I send the muster-rolls of the four Companies. I had the two companies at Albany, viz. Major Ingoldesby's and Capt. Weemes's mustered before me there, and my own and the Lieut.-Governor's Companies here since my return from Albany, which is the reason of the difference of their dates. I never in my life saw so moving a sight as that of the Companies at Albany; half the men were without breeches, shoes and stockings, when they muster'd. I thought it shameful to the last degree to see English souldiers so abus'd. They had like to have mutinied. Their petitions, complaining of the dearnesse and badnesse of their provisions, and their want of cloaths and fuel, go. I made a new order for the mustering the four Companies every two moneths.

While I was at Albany, I discovered a very unfair practice in the Commissioners I appointed there for management of the Indian affairs, in bringing in large accounts of expences for the Indians, and Col. Schuyler above all others was guilty of this. To prevent which great expence and inconvenience, I made some new Instructions, enclosed, wherein I have taken care to limit the Commissioners in their expences for the Indian service. I found at my going to Albany Aquendero, *alias* Sadegenohty, the Speaker of the Five Nations, with about 25 Indians more, had been maintained at Col. Schuyler's house, but at the King's charge, for two moneths. I found fault with that mismanagement, and calculated the forementioned instructions to prevent it. Col. Schuyler studies to make himself popular by that means. I should commend his so doing if he made use of it to serve the King, but when he does it to serve himself and gratifie his own vanity, I declared I could not approve of that. For instance, on the last day of my main Conference, Schuyler had instructed the Speaker to call for him, and he contriv'd to be absent on purpose; when the Speaker call'd for him and desir'd I would send for him, I thought it was fit for me to rebuke him: I told him I was the Governor, and that the King had entrusted me with the choice of his Councellors in this Province, and that it was at my election whether I would have Col. Schuyler continue one of His Majesty's Council or lay him aside. This was a foolish plot of Schuyler's, but such things do hurt, they perplex and distract the Indians, and tend to lessen the authority of a Governor.

The parties have been much divided about my building a fort at the Onondages', the Leisler party for it, and the others against it violently. There was an address to me from some of the inhabitants of Albany, wherein they desire that Albany and Schenectade may be fortified before the fort at Onondage be begun. The Mayor, Recorder and about two-thirds of the Inhabitants refused to sign the Addresse because they apprehended the General Assembly had approved of the building a

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Fort in the Onondage Country, and that was a good design for the service of the King and the Province. In my return from Albany and on Hudson's River, I met with your letters of the 11th and 19th of April and May 10 last, and with them I received the King's letter of the 28th of last March, and one from His Majesty to the Governor and Company of Connecticot, which I sent to that Governor and have his receipt for it. I was eight days and as many nights coming down Hudson's River in a little nasty sloop, which made my journy extreamly tiresome. Capt. Caldwell with the *Advice* frigat arriv'd the 17th of last moneth, and brought me your Lordship's letters of the 21st of last June and a 100 Recruits, tho' but part of the cloathing. Those expected from Ireland are not yet come. I am glad your Lordships have succeeed so well in fixing these souldiers and cloathing for the time to come, and in obtaining the presents for the Indians and 500*l.* towards building the Fort at Onondage. I shall be better able to satisfie you about that intended Fort when Col. Romer returns and has made me his report, but, according to my present idea of the country, there is an Isthmus on a vast Lake lying northward of the Onondages, which will be the fittest place for a Fort, and so the Indian Sachems agreed with me, for Col. Romer and I shew'd 'em the map, which they quickly comprehended. It will have a double advantage, first in securing some Rivers that run into that Lake, through which Rivers the French us'd to pass when they made war upon our Synek Nation in the year '87; a second advantage will be that the Dowaganhas and those other remote Nations will be able to come and trade at our Fort there in spite of our Five Nations, for they can come directly over that Lake in their Canoes, without passing through any part of the country, where our Five Nations inhabit. And notwithstanding all the fair promises of our Indians contain'd in the Conferences, to embody with those remote Indians and receive 'em into the Covenant Chain, they cannot be rely'd on altogether; they are apt to be perfidious, and 'tis much to be fear'd they will as often as they meet those Indians rob 'em of their peltry and then knock 'em in the head that they may tell no tales.

Mr. Lodwick arriv'd here the 19th of last moneth after a tedious passage of 15 weeks; he brought me the originals of your forementioned letters, also letters from the King of Feb. 10 and March 29, with letters also from the King to the Governors of Connecticot and Rhode Island, which I sent them. I desire your Lordships will please to send over two Ministers as soon as possibly can be, or we shall hazard the losse of our Indians; they presse for Ministers above all things whatsoever. They ought to be young men, or they will never be able to learn the Indian tongue; they must be men of sober and exemplary lives, and good scholars, or they will not be fit to instruct the Indians, and encounter the Jesuits in point of argument. I should advise their being both setled at the intended Fort, and for their incouragement they ought to have a 150*l.* a year salary apiece sterl. money. Without a Fort 'tis next to impossible to prevail with Ministers to live among the Indians: they are so nasty as never to wash their

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hands or the utensils they dresse their victuals with. Their food is (some of it) loathsome to the last degree. Tho' they eat great store of venison, pidgeons and fish; yet bears' flesh is a great part of their diet, and when they feast themselves and their friends, a dog is esteemed with them a Princely dish. The Corporation for propagating the Gospel, etc., are worthy Gentlemen, and I am confident will at your Lordships' desire order the salaries of the ministers out of the Corporation stock. I send you an account of the disposition of the stock in N. England. I have often told Mr. Stoughton, who is Treasurer, and the rest of the Commissioners that I thought that Province able enough to maintain their Ministers, and that the giving that mony to Ministers, that did not preach to the Indians in their tongue and were so lazy as not to learn it, was a misapplication of the Corporation-mony. I am a member of the Corporation myselfe, and we had some meetings at Boston to settle that businesse, but did litle in it. Mr. Grindall Rawson is the only Minister in the list that speaks the Indian tongue and preaches in it. Mr. Stoughton and I join'd in putting Monsr. Laborie into a plantation where are some French and Indians, with a salary of 30*l.* a year; he has undertaken to learn the Indian tongue and instruct and preach to the Indians. I was in great hopes you would have directed me to fall immediately upon fortifying at Albany and Schenectady. Those forts are not only scandalously weak, but do us unspeakable mischief with our Indians, who conceive a proportionable idea of the King's power and greatnesse. The inhabitants came all about me at my leaving Albany, and told me in plain terms that if the King would not build a Fort there to protect 'em, they would on the very first news of a war between England and France desert that place and fly to New York, rather than they would stay there to have their throats cut. Several of the inhabitants of Schenectady told me the same of their Fort. I sent Col. Romer to view it, and he reported to me that the gates of that fort were down, and that a cart might passe through the palisades, or rather stakes. I desire your Lordships will please to lay this matter before the King. That Forts should be built at those places is undeniably necessary, and should not have been thus long delay'd; and that the Assembly of this Province will not be at the charge of building them, I am as certain. I have often talked with some of them about it, and the reason they give is not without weight; they say tho' the city of New York be tollerably rich, and also Nassau Island, yet all the other parts of the province are poor, especially the City and County of Albany, and not at all able to pay any proportion of such a charge. There are half a dousin men at Albany who have competent estates, but all the rest are miserable poor. If the King would order me to begin to build Forts at those two places, and order me a credit on some of the Revenue-offices in London, I would draw for small sums at a time, till the King should be either assisted by the Parliament of England, or some way thought of to compell all the Plantations to contribute to the charge of these and all other necessary

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fortifications. I did not question but orders would have come for building Forts at Albany and Schenectady, and therefore I had 400 wheelbarrows provided, which have cost above 100*l.* This disappointment will be a caution to me hereafter not to be so hastily wise and provident for the King as to anticipate his orders. If those two places are not fortified, this and the neighbouring Plantations will be defencelesse and expos'd to certain ruin, if a war should happen between the two crowns. The French of Canada are, I doubt not, well inform'd of all our circumstances since the last war. I find that in '87 the Marquis de Dénomville, Governor of Canada, march'd at the head of 2,300 men against our Synek Nation. The French are said to be much more numerous now than they were then. They have, according to the information I have lately had, 200 officers, and are able to double their standing force at a day or two's warning, by obliging the burghers to enlist themselves. Then they are always provided at Montreal with magazines of all sorts to furnish 'em for an expedition against us or our Five Nations. Jean Rosie and Samuel York told me now at Albany they have been in the armory there, and that there are arms for 2,500 men with ammunition in proportion; that there are 250 small boats, as many canoes, and 1,500 pair of snow-shoes or raquettes, whereo I now send your Lordships a pair by Capt. Deering, who commands the *Fortune*. I find I had forgot to acquaint you of a petition of the Inhabitants of Suffolk County and another of those of Queen's County in this province, for the settlement of dissenting Ministry among them; they were deliver'd during that session of the Assembly wherein the Revenue was setled for six years. I gave no countenance to them then, nor will I recommend them now. I think the best way is to forget them.

I suspended Mr. Lancaster Symes, one of the Lieutenants to Major Ingoldesby's Company, on Dec. 22, '98, for neglecting to go to his post at Albany after two years' absence from thence; he has never applied to me to be restor'd, and deserves for many reasons to be broke, which I hope the King will be pleased to consent to. Major Ingoldesby has been absent from his post four years, and is so brutish to leave his wife and children here to starve. I was forc'd to lend her 30*l.*, or she must have starv'd. I desire he might be commanded to his post immediately, or rather I could wish he were exchanged for some discreet honest gentleman that's a Captain in a Regiment in England. Ingoldesby is of a worthy family, but is a rash, hot-headed man, and had a great hand in the execution of Leisler and Milburn, for which reason, if there were no other, he is not so fit to serve in this country, having made himselfe hateful to the Leisler party. I suspended Parson Smith, Chaplain to these Companies, on Aug. 7, for affronting my Lord Bishop of London, and for living a scandalous life in neglecting his cure, parting with his wife and co-habiting with another woman. I suspended Mr. Augustine Graham (son of the Attorney General) from the post of Adjutant on the 14th of last moneth; he had 4*s.* per day for doing nothing. I saw him exercise three files of men (which

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made the guard here in the Fort) twice since my being in the Government. I thought his pay a superfluous charge, and his duty I will make the lieutenants do. Besides that, he is a most profligate man, often drunk, and then his common exercise is to break glasse windows and disturb all the town in the night. I admonish'd him against his disorderly course of life, but I believe he will become sober, when his father becomes honest. His father has plaid me a world of tricks, and I am heartily glad you are sending over an able, honest Attorney Generall, for Mr. Graham has often misled, but never assisted me, except in the charge I sent home against Col. Fletcher.

Your directions, Aug. 21, 1699, to send you my observations on the proposals made by the Proprietors of E. Jersey, will not now need to be complied with, since the Proprietors have carried the cause in Westminster Hall, and obtained freedom of Port for Perth-Amboy.

As to the Charter granted by Col. Fletcher to the town of West Chester, Mr. Graham, the Attorney General, gave me that character which I transmitted concerning its extravagance and illegality. I send a list of the present Council of this province, but am puzzled who to recommend for a supply of Councellors, unlesse I should send the names of Marchands. When Mr. Attwood and Mr. Weaver come over, we shall be pretty well reinforc'd.

I shall observe your direction in getting some large masts of ships brought down Hudson's River at as cheap rates as I can, and will give you timely notice thereof, that you may send for them, but as for making an experiment, as you direct, with some souldiers in the making of tar, 'tis not possible as the case stands, for the King has not an acre of land or a tree in this Province, unless the Act for vacating some Grants, which I sent home, be approv'd. I know the Act stands good, unlesse the King disapprove it: yet we are discouraged in the meantime from falling to work. Besides, the souldiers that work must be allow'd 12*d*. per day sterl., or we shall never get 'em to work. If your Lordship will get that Act approv'd by the King, and the pay for a 100 souldiers increas'd to 12*d*. per day English, I doubt not but to give you good satisfaction in that particular, and that very soon. I mean the pay of a 100 men only, to be so increas'd, during the time the experiment is making. I crave leave to renew my former request of having the 30*l*. per cent. taken off. If I were to consult my own interest singly, I would follow the example of him that went before me, I should then let the article of 30 per cent. rest as it does, and put (as Col. Fletcher did) the greatest part of it in my pocket. But I am for putting things on a foot that will be for the King's honour and the souldiers' ease. In plain terms, that deduction is an intollerable oppression upon the officers and souldiers, and unlesse it be taken off, we shall never be able to keep full Companies. This country is dear for diet, and, taking one thing with another, (that is the price of cloathing, with that of diet) 'tis full twice as dear living here as in London. A coarse pair of yarn stockings, that costs 9*d*. in London, costs 3*s*. 6*d*. English here; a pair of

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souldiers' shoes that costs 3*s*. 6*d*. in London, costs 7*s*. 6*d*. here N. York money ; and so linen for shirts double the price it costs in London. And now I appeal to your Lordships, whether it be prudent or reasonable or yet honest, that this deduction be continu'd. To remove the objection that this proposition of mine will create a new charge to the King in paying the wages of a chaplain, storekeeper, surgeon, gunner, and matrosses, which us'd to be paid out of the 30 per cent., I will undertake to order the matter so as to pay those extraordinaries without any charge to the King, and that by the improvement I will make of the souldiers' pay in trade, which is the only way that's practicable to transfer their pay from England to this place. In a word the new recruits had like to have mutin'd at the sad provisions furnish'd by the victualer, so that I am now forc'd to pay 'em every Saturday duly their subsistence in money, and the same course I am going to take at Albany, where the souldiers have been worse us'd then here, to Mr. Livingston's only satisfaction and profit, he having pinch'd an estate out of the poor souldiers' bellies. I have been put to much trouble in this method I have begun of paying the souldiers' subsistence in mony weekly, the marchands in this town, finding I was forc'd to take up mony here and draw bills on the Agent in London, they combin'd together to traverse me all they could ; at first they lower'd the exchange of the mony considerably, and what is worse they will now advance no money at all on my bills, so that were it not for one Dutch marchand and two or three Jews that have let me have mony, I should have been undone. This at once shews the wickednesse of these people, and the necessity of returning the souldiers' pay in trade, that so we may not be at the mercy of these marchands. Before these recruits came, we had very few men in the four Companies that were not fitter for an hospital than for service. The old disabled men staid because they could not otherwise live, and the young fellows deserted to the neighbouring Plantations, where they never failed of a welcome, and these men will do the like unlesse the 30 per cent. be taken off, and their lives made easy and comfortable. When I arriv'd here from Boston, I found Capt. Ogden, who had been come about 10 days, and had brought 50 barrels of powder and the number of beds mentioned in the following certificate. The powder I order'd to be open'd and view'd, and there were five barrels wanting in the measures, and great part drawn powder, with pieces of wadds and Carthrage paper, and decay'd powder that was clotted dust. The beds all old, rotten and broke and not pack'd up, but thrown loose into the ship, and so unfit for use that they are scarce worth the mending. I desire there may be a 100 good beds with covering and sheets sent over as soon as may be, for if the recruits come from Ireland, we have not a bed for them, and here the Inhabitants will not endure to quarter the souldiers. The recruits that are now come from England are very clamorous at their sea-pay, in regard they were put to short allowance in their voyage. I send their petition and desire your Lordships' direction what to do in it. I cannot, I tell 'em, answer the paying

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them, but from the day of their landing. There is great want of a Court of Chancery here, but nobody here understanding it rightly, I delay appointing one, till the Judge and Attorney Generall's coming from England. I sent you, June 22, '98, the yearly amounts of the Revenue of N. York under Mr. Brookes's collection and during Col. Fletcher's Government; I then took the medium of the five years' produce of the Revenue in Col. Fletcher's time, which to the best of my remembrance was no more than 3,300*l.* in one year, and to let your Lordships see what improvement has been made of the Revenue these two last years since Brookes's being out, I send the amounts of the said two last years; the year 1698 produces 5,267*l.* 11*s.* 2¾*d.*, and the year 1699 produces 5,400*l.* 19*s.* 6½*d.* So that, deducting the said year's amount at a medium from the last year's amount of the Revenue, and it appears the increase is 2,100*l.* 19*s.* 6½*d.* If I had an honest, active Collector to assist me, I will undertake to advance the Revenue to double whatever it was in any year during Col. Fletcher's Government. I believe Col. Courtland gives a just account of all the money that comes to his hands, but he is grown very crazy and infirm, and is a very timorous man. In a word, he has never yet made any seizure since his being Collector, and I believe never would, if he were 50 years to come in that post. The sales of the *Fidelia* seiz'd at Boston, which I forgot to send from thence, and of the *Nassau* and *Adventure* seiz'd and condemn'd here, are bound up together. The *Nassau* was commanded by Giles Shelley, who brought above 50 Pyrats and much treasure in her from Madagascar. There's a violent presumption that Mr. Graham was brib'd by Shelley, and so contriv'd his escape. The story will be long to trouble your Lordships with now, but another time I will acquaint you with it.

If the Commissioners, appointed by Act of Assembly to take and state the publick accounts of the Province, do not make a further examen into Col. Fletcher's accounts than that I formerly sent your Lordships (and I much doubt whether they be very capable or skilful in accounts), I cannot promise your Lordships a more exact audit than that I formerly sent. I for my part cannot attend a word of that labour, and we have not here so much as one man that has a talent for that sort of businesse, for that reason it was I was desirous of Mr. Tollet's being made Secretary of the Province. Your Lordships are pleased in your letter of the 19th of last April to caution me against obstructing the course of the law in the suit depending between Col. Allen and the inhabitants of N. Hampshire, wherein I have been so very careful that I have not concerned myselfe directly or indirectly, either by word or letter, in that affair, insomuch that my indifference has rendered me suspected by either side to be an enemy. Last post a gentleman writes me word from Boston that Mr. Partridge was come thither, and gave out to his friends that I privatly favour'd Col. Allen's pretension; your Lordships know how much truth there is in that surmise of Mr. Partridge's. You incourage my further inquiry into the use that may be made of turpentine and brimstone for paying ships' bottoms, which made me write

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The *Fortune*, which was thrown upon the King by the ignorance of Mr. Graham and some other concurring accidents, I now send to England full fraighted with ship-timber, under command of Col. Deering, who was Lieut. of the *Arundel* frigat, and was desirous to command the *Fortune*. The reports you have sent me from the Navy Board and the builders in the King's yards at Deptford and Woolwich upon the specimens of ship-timber sent by Mr. Bridger from Pescattaway have put me upon a nice and exact survey of the timber I now send (which is but a third part neither of that which I have provided). I send you the report of the principall shipwrights in this town, whom I ordered to survey it. The builders at Deptford and Woolwich preferring Eastland timber, I do not like. The word Eastland gives me a jealousie; it has an ill sound with it: we know very well the Eastland marchands are a wealthy body of men. If Mr. Bridger sent of the best timber, I must suspect the candor and ingenuity of those builders. When I call'd all the shipwrights before me, whose names are to the foremention'd Report, and asked their opinion of this timber in the *Fortune* and that which lyes on the wharf, they all (except Mr. John Latham) were positive that it is as good in every respect as any timber they ever saw or wrought on in England, but Latham seeming to yield a preference to English oak, I advis'd the rest to submit to his experience. The timber which remains behind I will send along with the masts, which you order me to send to England of the growth of this Province. I send an account of the charges I have been at in providing all this ship-timber, and desire you will please to take such order as that I may be reimburs'd this mony out of hand, most part of which I am debtor, and let me not be so hardly us'd in this as I was in the expences I was out for taking Gillam the Pyrat, and for my journy to Rhode Island, the account whereof I sent to England, but the Lords of the Treasury rejected it, and directed I should be paid out of the Revenue of the Province, their Lordships not knowing, I perceive, that the King has not a shilling of Revenue in the Massachusetts Province. This, and a great many other discouragements I meet with. As no interest or reward can possibly byas me against the good and interest of England, and the affection and duty I owe her, so I cannot but have a jealousy for everything that's for her advantage. The furnishing ship-timber from these Plantations (not only for the use of the Navy, but also for the use of the marchands) if it may so be order'd, is of the greatest moment and advantage that possibly can be thought of for England, and it will, I perceive, stand in need of your Lordships' utmost circumspection and care to support an inmate trade against an

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alien trade, which certainly no man that pretends to common sense or honesty will put in ballance. As to the arrear due to the Victualers of the Companies here, which I acquainted you, Feb. 28, was about 10,000*l.*, I find in my Journal that Mr. Livingston told me so, July 29, '99, at Salem. He says now that he meant the whole arrear of subsistence due to the officers and souldiers amounted at that time to 10,000*l.* I find there is a year's subsistence due to the victuallers in Col. Fletcher's time, which makes part of the said sum. I have paid the Companies the nine moneths' subsistence, March 25, '99–Dec. 25, and given notice that the Agent had received the subsistence to the 19th of last June, besides eight moneths' clearings, which shall be paid out of hand, when the Captains and Victualers have made up accounts. I shall never be able to raise mony here for bills of Exchange on the Agent, as the marchands here combine against me ; therefore I must be forc'd to instruct the Agent in London to invest the pay and subsistence in goods proper for this Country. I had lost my Credit with the officers and souldiers for want of mony to pay the nine moneths' subsistence, had it not been for the money the Collector had in his hands, which the Assembly intended a present for me, and which I was forced to borrow, to answer so urgent an occasion. I am almost tempted to throw up the Agency, and not meddle with it, but let the Lords of the Treasury order an Agent, for not being myselfe in London to take security of an Agent's faithfull discharge of that trust, I cannot but think I run some hazard. The Agent of the Companies ought to be a marchand of good skill and substance and should give good security in 6 or 7,000*l.*

The General Assembly should have met the first of this moneth, but staid for the Albany members ten days, those members having been almost so long in the River coming down. They have voted a repeal of the foolish Act they passed last Session for the building the Fort at Onondage, and giving a tax in lieu of that additional duty ; so that I hope to have a good Fort built there and mann'd by the end of next June.

Last Sunday the souldiers that came last from England were about to mutiny, because they have not English pay. I got notice of it and put the Ringleader in irons. The people of this town are some of 'em so wicked as to excite the souldiers to mutiny, and some of the souldiers have confessed so. The three Lieutenants that came with these recruits are very uneasy, and told me, if they could not have English pay, they would go home. I hope the Government there is not bankrupt that the King should be under a necessity of putting a hardship upon officers and souldiers, that come to this dear country to serve him. I desire your Lordships above anything to get the 30 per cent. taken off.

As Col. Nicholson and Col. Blackiston were coming hither (for they would needs make me the complement of coming to N. York) they were both taken ill on the way ; Col. Blackiston could come no further than Philadelphia, and thence return'd to Maryland. Col. Nicholson made shift to get hither, but was

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very weak with his feaver. He came here the 22th of last moneth, and return'd the 11th inst. With him came Mr. Penn and Col. Hamilton, Governor of the Jersies. Col. Nicholson, Mr. Penn and I had some discourse about these Plantations ; the heads on which we discours'd were drawn up in short terms by Mr. Penn. Col. Nicholson's indisposition hindred us from putting these heads into better form ; besides too Mr. Penn has forgot to take notice of the first head we talk'd of, viz., a method how to draw the remote Indians over to us. Mr. Penn's occasions call'd him hence the 4th inst. and Col. Nicholson seem'd to thinke Col. Blackiston's presence necessary for the observance of your Lordships' orders. We have determin'd to meet next spring at Philadelphia. The 6th and 7th heads in Mr. Penn's paper Col. Nicholson and I declared to him were not pertinent to our purpose, the first of which is calculated to people his proprietary Colony, and the next is already order'd as he has stated it by the King's Commission and Instructions to us that are Governors for the King. I shall hereafter offer some things to your Lordships' consideration upon these and the like heads.

I am advis'd from Boston that Mr. Benjamin Marston, a marchand of Salem, has sent away the planks for ships to Lisbon, notwithstanding I cautioned him against it ; he declared there was no statute against so doing, and he would carry on his lawfull trade. Mr. Partridge has taught the country that trade, which he can never make amends for. 'Tis a most injurious trade to England, not only as it helps our Neighbours, (and how soon we may call 'em our Enemies we cannot tell) to build ships of war, but that lazy and gainful trade will quickly loose our fishing trade to the French. The very next letter I write to your Lordships shall treat of the trade of these Provinces and of the fishery among the rest. I expect Col. Romer every day from visiting the Onondages' Country, and we will then offer something upon the head of Forts, *etc.*, on our Frontier.

I shall conclude with reminding you of a better salary for myselfe and some recompence for the time that's past. I have been out of England these three years and more, and if I were ask'd what I have done for myselfe and family, I could with truth affirm I have been nicely faithful to the King and have taken a world of pains to serve the interest of England, and come all this way to return in worse circumstances as to my fortune than I came. I am assur'd from good hands that the profits of the Governor of Virginia are 4,000*l.* a year, and those of the Governor of Maryland 2,500*l.* a year ; 'tis true that those Plantations yield a great Revenue to the Crown, and that's a good reason why those Governments should be profitable. I believe too they are worthy gentlemen that are the Governors, yet all the Revenue of those Provinces depends on my care and a right management of the Indians, especially the Five Nations. There is not a man of truth in America that will not own that all our Plantations in America can subsist no longer than those Indians are our friends. Even Barbados and the rest of the Islands depend on it, for their constant supplies of provisions are from these Plantations. Some they have from England and Ireland, but that is casual.

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I am lately advis'd that the marchands of N. York had petitioned the King that they might be put under a distinct Governor from the Province of Massachusetts Bay, but I hope you will oppose so dangerous a step as that may prove to be, and rather gratifie 'em in a new Governor who shall be Governor of both, as at present. Col. Nicholson and Mr. Penn endeavour'd to reconcile the parties here, and took pains to reconcile me and the marchands; I told 'em I had no advances to make to the marchands, unlesse it could be prov'd I had governed arbitrarily and oppress'd them in their trade contrary to law; that for my part I was in charity with them and all the world, but if they expected to be reconciled to me upon terms of my indulging them in unlawful trade and piracy, they should find themselves still mistaken, for I would be as steddy as a rock in those points. Till these grants of lands have had their doom, these people are irreconcileable, and 'tis the greatest hardship on me imaginable that the Act sent over for vacating some of Fletcher's grants has not been approv'd by the King in all this time. One Mountague, their Solicitor, writes 'em word hither confidently that the Act will be rejected by the King, which keeps up their rage and their insolence; and not only the Grantees concern'd immediately in that Act are angry and disturb'd, but also all the rest that have vast tracts of land granted by wholesale, and that which seems to me an absurdity is that four of the Council are of those Grantees, viz., Col. Courtland, Col. Schuyler, Col. Smith and Mr. Livingston, and tho' Mr. Graham be not one of them, yet he has been false to the King, notwithstanding the Representations he sent home to England, complaining of those extravagant grants and of their being ruinous to the Province, and plaid me many tricks to obstruct that Act's passing, which in spite of him did neverthelesse passe. So that Mr. Graham being also of the Council and a friend to the Grantees, they have five of the eight Councellors that are at present in the Province. I have been much troubled to find my name brought on the stage in the House of Commons about Kidd, 'twas hard, I thought, I should be push'd at so vehemently, when it was known I had taken Kidd and secur'd him in order to his punishment, which was a sure sign the noble Lords concern'd with me, and myselfe, had no criminall design in setting out that ship. Another mortification I have met with is the losse of a rent-charge of a 1,000*l.* a year, which the King was pleas'd to give me upon an Irish forfeited estate, in recompense for the great losses I sustain'd by the Rebellion in Ireland. If I have serv'd the King and the interest of England here, I am sure I have been strangely rewarded there. *Signed*, Bellomont.

P.S.—Mr. Champante having sent me the copy of some articles that were exhibited against me to the House of Commons last Session by one John Keis, a Scotchman, I had once a design of answering them, till reflecting that the greatest part of 'em are palpable untruths, and those that happen to be true are trifling and of litle moment, I thought it would be time mis-spent to answer such trash. For instance, I am accus'd of having remov'd Col. Young with others from the Council, and Col. Young was dead two years before my coming into this country.

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Dr. Carfbile, whom I swore of the Council, is call'd a Mountebank, whereas in truth he was a graduate Phisitian at Leyden, and a very learned and honest man. 'Tis a hardship on every honest man that serves the King to the best of his power to have his name and reputation torn and vilified by a little vagabond Scotchman, and I should think such a man is accountable to the House of Commons for abusing them with untruths. I hope you will settle and send over the Establishment for my increase of salary, very soon; otherwise I cannot possibly undergo the fatigue of businesse I have hitherto done. My part of the Conference was every word dictated by me, and all the orders I now send, and which at any time I use in the Government, I am forc'd to draw with my own hand, for want of a Secretary that's a man of businesse, and my pitifull salary will not afford my keeping a capable private Secretary. If I be not at Boston next May's Session of that Assembly (as perhapps the King's service may require my stay in this Province all next summer) I do not expect they will make any provision for me either by gift or salary. Therefore I desire your Lordships will ascertain my salary for that Province, if that should so happen. 'Tis a mighty discouragement to a Governor to be so treated; and some reflection on the administration in England that a thing of that consequence should still be unsetled. Since I finished this letter, I have received from Albany the good news of the Eastern Indians' submission to the Five Nations. This is a most lucky thing, and the people of N. England have reason to blesse God that they are forever hereafter secure and safe from people that have been cruell thorns in their sides, and I may truly and modestly say that the King (as well as they) has some obligation to my labours and service herein. This submission proceeds from my management of them, when I was last at Albany. The Eastern Indians have renounc'd the Governor of Canada, and the French. I will, God willing, be at Albany in spring, and will in the meantime appoint some of the Eastern Sachems and some of every of our Five Nations to meet me there, and I doubt not but I shall be able to make a perpetual alliance and league of friendship between them. *Enumerates enclosures. Holograph.* 22¼ *pp. Endorsed,* Recd. 9th, Read 13 Dec., 1700. *Enclosed,*

845. i. Abstract of above, *with marginal comments for reply.* 7½ *pp.*

845. ii. Lord Bellomont's speech to the Representatives, New York, July 29, 1700. Printed by order of the House. *Signed,* Abra. Gouverneur, Speaker. 1 *p. Endorsed as letter.*

845. iii. Congratulatory Address of the Representatives to Lord Bellomont, July 29, 1700. Printed by order of the House. *Signed,* Abrah. Gouverneur. 1 *p. Same endorsement.*

845. iv. Printed Copy of some Queries sent up to Lord Bellomont by the Representatives, July 31, 1700, concerning His Excellency's proposition of building a Fort, togother with His Excellency's replies. *Cf. Nos.* 667–687.

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845. v. Lord Bellomont's conference with the Indians at Albany, Aug. 26-Sept. 4, 1700. Present: Col. Peter Schuyler, Col. Abrah. De Peyster, Robert Walters of H.M. Council, Peter Van Brug, Mayor, John Bleecker, Recorder, John Schuyler, David Schuyler, Joannes Roseboom, Wessel ten Brock, Aldermen; Major Dirck Wessels, Capt. John Sanders Glen, Ryer Schermerhoorn, Justices of the Peace; Thomas Williams, Sherif; Capt. James Weemes, Col. William Romer, Mathew Clarkson, Secretary, Capt. S. Veitch, Mr. Dunckan Campbell, and the Sachems of the Five Nations. *Interpreted by* Jan Baptist Van Eps, Lawrence Claesen. *Lord Bellomont said*, Brethren, I am commanded by the great King to assure you of his protection and kindnesse. I have been much surprised to hear what artifices the French of Canada have us'd to seduce you. I have been advis'd from yourselves and from the Eastern Indians, that the French Jesuits have endeavoured to perswade you and them that the King my Master had formed a design to destroy all your Nations, by all methods imaginable, by disarming, that you may become a prey to the Dowaganhaes, Twichtwichs and other remote Nations, and by prisoning of you. They warned you not to come hither and enter into a conference with me, assuring you that I should meet you with a great armed force and cut you off, and that where that fail'd I should give you poyson to drinck in rum, but you shall find a treatment so contrary that you shall forever hereafter find them the greatest liars and impostors in the world. I have sent to England for Ministers to instruct you in the true Religion. For the present I shall settle Mr. Vreeman, an able, good Minister, at Schanechtade, to instruct you. He has promised me to learn your language, and doubts not to be able to preach to you therein in a year's time. I have another Minister, a learned, able young man, who I will also settle amongst you before winter. I doubt not but you will quickly perceive the vast difference between our Religion and that which the Jesuits corruptly call the Christian Religion, and then I hope you will encourage those of the Five Nations, whom the French Jesuits have seduced from us, to return to their obedience to the great King our Master, wherein you will also find your own advantadge, for not only your friends and relations will come and live with you again, but you will be strenthened by them.

Aug. 27. Present: 50 Sachems of the Five Nations (*names given*). Speaker, Aqueendera, *alias* Sadegenaktie. We know the evil reports very well, which, you tell us, come from the French of Canada, but we do not regard their stories, but lay hold of the

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old Covenant chain. We will forbear keeping any more correspondence with the French of Canada, if the great King of England will defend our people from the Dowaganhaes, Twichtwichs and other nations over whom the French have an influence, and who have been encouraged by the French to destroy aboundance of our people ever since the Peace. The present Governor of Canada has not scrupled to own the same to some of us last spring. Your promise of Ministers to come and teach us is very acceptable and joyful news to us all. We were promised Ministers this Spring to instruct us in the Protestant Religion, and therefore refused the subsequent offer of MM. Maricour and Brouyas, tendering us by a belt Jesuits to instruct us. Now we are unanimously resolved to adhere firmly to Corlaer and be instructed in the religion which he and his people profess. The French have too often deceived us by their doctrine, and we are resolved we will be deluded no more by them. It is not altogether in our power to prevail with our brethren, who have been entic'd away to Canada by the French, to return to us. The Governor of Canada has many ways to draw and keep them; he feeds them when they are hungry and cloathes them when they are naked, for it is the French custom to cloath all those that are baptiz'd and received into their Church, which is a great inducement to our people to turn Papists. We doubt if our Brother Corlaer would put the King of England to that charge. But we will do our utmost. All we of the Five Nations are come to this conclusion, to have a Protestant Minister in Onnondage, as soon as ever your Lordship pleases to send one. We pray that, when our people come to Albany, they may be instructed by the Minister, as has been done formerly.

Henry the Maquase, speaking for the Protestant Maquase, said that they had now prevailed upon five of their people, that had designed to go and live at Canada, to stay in their country. His Excellency told them they should have no cause to repent it.

Albany, Aug. 28. His Excellency informed the Sachems that he was satisfied of their zeal for the Protestant Religion, which he would report to the King, as it would effectually engage His Majesty to support and protect them. He questioned not but in a short time they would be furnish'd with able Ministers to instruct them in the Protestant Religion. He would place one or two in the Onnondage Country as they desir'd, but, having discours'd with Ministers, found they were not willing to go so far off, until a Fort was built there, which the Assembly have voted. He would send the King's Engineer to view the properest place. He had written so effectually to the King about

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fortifying Albany and Schanegtade, that he did not doubt he would give some order therein very speedily, and resent all injuries done to them as to his own proper subjects. But whatever Forts might be made, the Beaver trade must be carried on at Albany. The trade being so carried on under the eye of the Government, the Indians would be less exposed to be overreached. He would take due care that the trade should be duly regulated, which was not then the case. *The Sachems replied:* The Dowaganhaes have had agents in our country this Summer, by whom they promised to come and settle at a place called Deganatiuchtiage on the other side of Cadarachqui Lake, but are not yet come. We will use all endeavours to prevail with them to come to us, and lay down a few hands of wampum, which they call a cord to draw them by. Our Indians, when they go out a hunting and have bad luck, go to Canada and the Governor cloaths them, by which meanes they are induced to turn Papists by the French charity and caresses. We pray that our desire for a Minister to be established at Albany as well as at Schanegtade be not forgotten. We agree that the trade be solely confined to Albany, but pray let there be a good regulation in it, and let us not be wronged as we have been, but let goods be as cheap as formerly, a fathom of Duffells for a Beaver skin, a fathom of Strowds for a Beaver, then we shall live as brethren and Christians together. Pray let us have good penniworths and that continually, and let not the Beaver traders go to the old trade again, as they will probably do in two days' time, for they used to take a peece of a stick as long as your arm (meaning an ell) and measure the cloath by that, and give us one of those sticks' length of cloath for a Beaver, and then they take that Beaver and puts it in a scale, and a peece of lead in the other scale, and if it does not weigh down that peece of lead, they scruple to take it. When our people comes here with four or five beavers and get but one coat for it, it must trouble us much. If it be possible, let these things be rectified, but if it be not, our Covenant Chain shall nevertheless remain firm and inviolable, altho' the trade was the first inducement of our agreement. We approve extremely of what your Lordship proposed to-day, to go hand in hand and stand or fall together, but let it not be said that if there be any misunderstanding or a thing done amiss by any one or a few men, that therefore the Covenant Chain must be broke, for it were unreasonable that the whole body of us should suffer for the faults of a few men, but we are willing that the offenders should make reparation. In reply to His Excellency who observed that Sadeganaktie, the

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Speaker, made no answer as to the Fort, the Speaker thanked his Lordship for it, and desired that it might be speedily begun. His Excellency then told them plainly that no Minister would go to the Onondage Country till a Fort was built. The Indians made apology for some Sinnekes taking one Charles Smith, an Englishman, of Virginia, and detaining him five years in their country. "Some of our young men are like doggs that snatch at a peece of meat when one's back is turned." They begged pardon for their offence and gave a belt of wampum, by which they prayed His Excellency to send him home to his relations.

Albany, Aug. 29. His Excellency replied: The French are at but a small charge to clothe their proselytes, who are few. But though your number be so much greater, I will give you all reasonable encouragement. But tho' it is the Jesuits' custom by bribes and rewards to purchase proselytes, we Protestants hold that those only are good Christians, who profess Christianity out of faith, and not upon the score of worldly interest. I will engage Mr. Lydius, the Minister of Albany, to take pains with you and to learn your language, and I hope in a little time to have the Bible translated into your language and to have some of your children taught to read. I wish you would send two or three Sachems' sons out of each Nation to be kept at school at New York, where they shall be well clothed and dyeted at the King's charge, and when they are perfect in reading and writing, return to you, and other boyes come in their places. The goods at Albany shall be afforded as reasonably as can be expected. I take it kindly that you have restored Charles Smith, but I must caution you never hereafter to suffer any of your people to commit the least hostility on any of the King's subjects. For the King will not hold himself obliged to relieve or protect you if you do any violence or injury to his English subjects. I desire that reparation be made for the cattle of English subjects lately killed above Schanegtadie. I desire you will send guides for Col. Romer, and that some of the Sachems may meet and advise with him in the Onnondage Country.

Aug. 29. At a private conference which Lord Bellomont had with two of the principal Sachems of each of the Five Nations and one of the Protestant Maquase, he proposed that a Trade should be fixed with the Dowaganhaes, in order that by their continual warring they might not totally destroy the Five Nations, but might in a short time be united in the Covenant Chain. He proposed that they should try to bring some of them to speak with him. He expected the Sachems to employ 200 of their Indians to work at the Fort for

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the same pay with the English. Their best way to be rid of the Jesuits, whom they owned they disliked, and all their contrivances, was to seize and send them prisoners to Albany, where they should receive 100 pieces of eight for each one.

Albany, Aug. 30. The same eleven Sachems waited on His Excellency, bringing with them one more from each Nation, alleging that all business of moment was to be transacted by the three ensigns that the Five Nations consisted of, to wit, the Bear, the Wolf and the Turtle, and therefore one from each of these tribes or ensigns in each Nation was to be present. In answer to the proposed seizing of the Jesuits, they were of opinion that it might hinder the proposed treaty with the Dowaganhaes and other remote Indians, and also hinder their own Indians from returning from Canada. But they would forbid them coming into their castles and would send them out of their country. The Sachems were consulting upon the other proposals. They promised to give His Excellency an account of the message M. Maricour and Bruyas, the Jesuit, brought from Canada to Onnondage this summer. In reply to His Excellency's proposal that in case of war, the garrison of Onondage Fort should consist of 200 men, of whom 100 should be Indians, the Sachems said they could not answer till they had consulted the young men, whose service it would be. The other Sachems announced that they would send twelve men from each nation to work at the fort, but as to sending their children to New York to be taught to read and write, that was a matter which related to their wives, who were the sole disposers of their children, while they were under age.

Aug. 31. Guides to conduct Col. Romer to Onondage were sent, and all assistance and dispatch in that matter were promised, as well as provisions for the wokers and garrison at the fort.

His Excellency addressing the Sachems desired that a free passage through their country should be granted to Frenchmen, who desired to come and trade in Albany. He gave them the King's present, consisting of 200 fusees, 1,200lb. of powder, 2,000lb. of lead, 2,000 flints, 100 hatchets, 200 knives, 200 shirts, 80 gallons of rum, 63 hats, three barrells of pipes with tobacco.

The Sachems in reply promised to cleave firm to their resolution to be instructed in the Protestant religion and the Covenant Chain, hoping that the English would keep up their friendship and not use their proselytes so severely as the Jesuits in Canada do, who whip their proselytes with an yron chain, cut the women's hair off, put the men in prison, and when

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they commit any filthy sin, the priest beats them when they are asleep. In token they give nine bever skin, and nine more in token that they would encourage and allow the French traders that come from the remote Indians to bring their trade to Albany. They desired the bounds with the French might be settled, and that goods might be cheap. They gave nine bevers as a token that they would endeavour to live in peace with the Dowaganhaes and other remote Indians. They desired that a smith and a missionary might come to live at Onondage and gave nine bevers. They agreed to fix the trade at Albany, "for when your people comes to our country, we must pay a bever skin for a few spoons full of rum, and a bever for a pair of children's stockings; we hope your Lordship will forbid peoples coming to trade in our country. We give nine beavers." They promised to keep a good correspondence with the English and gave nine bevers. They gave thanks for the present of powder, but asked where they should put it, (meaning that they had had no duffells given them), and gave nine bevers. Many of their people were killed when a hunting this spring, by the perfidiousness of the French. They recommended the messengers his Lordship sent to his favour. His Excellency told them that they were paid, and that the King always rewarded those that did him service. They said that the Rondax or French Indians of Canada had killed many of their people since the peace and the Dowaganhaes continued to do so. They begged to be granted the benefit of the peace and gave nine bevers. The Jesuit Bruyas said to the Sachems of the Five Nations at Onondage this summer that he was glad some of them were come to Canada, notwithstanding Corlaer's strict prohibition, and that he was sorry for the loss of their people that were killed by the remote Indians, wip'd off the blood and gave a belt of wampum; that the Kettle of war that had boyl'd so long, which would have scalded and consum'd all the Five Nations, was now overset and turn'd upside down, and a firm peace made; he planted the tree of Peace and Welfare at Onnondage; he recommended them to keep fast to the Covenant Chain with Corlaer, but wondered why they should be forbidden to correspond with the French. He demanded the French prisoners in their castle and promised to restore their prisoners at Canada, and gave a belt of wampum. He proposed to come and live at Onnondage, instruct them in the Christian faith, promising to banish all sickness out of their country, and gave them a belt, which they refused, saying that they had accepted one this spring from Corlaer to be instructed by the ministers he should send. Dekanissore

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added that they had once been deceived by the Jesuit and his doctrine, for when they were learning the Christian religion, the French came and knocked them in the head. The Jesuit had a belt of wampum from the Rondax Indians to release two of their Indians that were prisoners at Onondage. He said that he would not have proposed to come and instruct them if he had known that Corlaer had already sent a belt for that purpose. The four Sachems at Canada were gone to bring back their prisoners. "We have stayed two years to see if you could get them back, but were necessitated to do it ourselves." Bruyas said it looked as if Corlaer would have warr again, by hindring them to correspond and trade with the French; and that Corlaer kept the Five Nations in the dark as to what passed between the Governor of Canada and him, but their Governor concealed nothing from his Indian children. The Governor of Canada did not claim a right to their land as Corlaer did; he left them to their liberty, but Corlaer pretended a superiority over them.

The Maquase Indians thanked my Lord for vacating the grants of Dellius.

Proposals made by the River Indians. We give a bever and an otter to welcome our Father and Mother (Lord and Lady Bellomont). We are come to renew the Covenant Chain, and give three bevers. It is 26 years since we were almost dead and left New England; we are unanimously resolved to live and die under the shadow of the tree that was then planted at Schakkook. "Your treatment to all Indians is so ravishing and agreeable that the far Eastern Indians are desirous to be link'd in our Covenant Chain." They gave three bevers. Though their young Indians might go out a hunting they will always return. They gave three bevers. They desired that two prisoners from the French Indians might be set at liberty, and gave three bevers.

His Excellency replied to the River Indians, thanking them and bidding them invite the Eastern Indians to come and settle with them. It would be infinitely more pleasing to him than any compliments, if they would become Protestants. To convince him of their affection, they must renounce all sort of correspondence with Canada and the Jesuits and all trade with the French of Canada or French Indians. They must reclaim or disown Hawappe, one of their Sachems who was false to the King's interest. He would do what was reasonable with regard to the prisoners. He gave them the King's presents; 40 guns, 240lb. of powder, 400lb. of lead, 500 flints, 20 hatchets, 40 knives, eight kegs of rum, 40 shirts, 20lb. of tobacco, one cask of pipes, one dozen hats.

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Albany, Sep. 4. His Excellency's reply to certain proposals of the Sachems of the Five Nations, Sep. 3. Upon your producing the belt of wampum sent to the Five Nations by the French praying Indians of Cachanuage, and your owning that they desired I might not know of their message and belt, I perceive the message was only to amuse and deceive you, that under pretence of a friendly correspondence between the praying Indians and the Five Nations, the Jesuits and other creatures of the Governor of Canada might have the better opportunity of seducing you from your obedience to the King our master. I thank you for your sincere dealing, and give you a belt of wampum in exchange for that of the praying Indians, which you give me up. It is to be a pledge of our friendship and a caution to you not to hearken to any proposition that comes from Canada without my consent. Leave was granted to them to reply to the praying Indians, an interpreter to be present. *The whole*, 39¼ *pp. Endorsed*, Recd. 9th, Read 13th Dec., 1700.

845. vi. David Schuyler to Lord Bellomont. Albany, Aug. 17, 1700. When at Montreal at the beginning of the month he ascertained that the number of praying Indians in the castle at Kachanuage, about four miles from Montreal, consisting of those who had deserted the Five Nations, was now grown to 350. He was told that they came like wolves round about the castle and begged the priests to take compassion on them, and give them some light in the Christian faith. Jean Rosie informed him that the people of Canada were reduced to great straits, there being a great scarcity of provisions there. Schuyler in going to Canada this spring met the French guards, sent out from Canada to prevent the transportation of beavers from thence, with a canoe within the bounds of this Government at the Otter Creek, 18 miles on this side of Rodgio, the great Rock in Corlaer's Lake, but, having no beavers and being stronger than the French, had no dispute with them. The ardent desire of the Indians to be instructed in the Christian faith is such that it will be impossible to keep them firm to the Covenant Chain without ministers to instruct them. In that case the experience of the last war shows that, when another ensues, the inhabitants on the frontier will not be able to resist the French joined with our Indians, who will overrun this Province and open the way to Virginia, Maryland and all other His Majesty's Governments on this Continent. *Copy.* 5 *pp. Same endorsement.*

845. vii. Samuell York, Carpenter, to Lord Bellomont. Albany, Sept. 2, 1700. Taken prisoner at Casco Bay in 1690, I was carried to Canada, whence I escaped last July. I was employed in cutting masts for the

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French Navy; 90 great masts are shipped yearly from the Bay of St. Paul to France. I have often heard that M. de Callière has pretended a right to the Five Nations, and I was once present in Council, when there was an embassy to the Governor by some of those Indians, and then heard him tell them that the King his master had an undoubted right to the Sinek, Onondage and Oneide Nations, and that he would have them, let it cost what it would. I have been about three years at several times in the Ottowawas country a hunting with the French, where they had two palisado'd forts. I have been round Le Lac des Hurons, and another called the Meshigans. I know the Ottowawa country and language. Several of the French hunters are there at this time and refuse to obey the Governor of Canada's orders to come to Canada and are in a sort of rebellion. They are very desirous to come and trade here with the English, only fear the Five Nations will not suffer them to pass through their country. They have desired me to try to make their terms with your Lordship, and they will come and settle under your Government somewhere near the Five Nations, and would endeavour to invite the Ottawawas to settle there with them. I have often heard the Ottawawas express a longing desire to trade with the English in these Plantations. The French of Canada are not able to furnish those numerous people with goods, and they are impatient of being confined to that narrow trade with them. The French have a few Jesuits among those Nations, but they seem not to be fond of them. The present Governor of Canada is very severe, and not at all beloved by the French or Indians. The people of Canada are all divided into factions, and a general discontent among 'em. And there has been a very great scarcity of all provisions, especially of bread all last winter and this summer, insomuch as few of the better sort of people have tasted any bread during that time. MM. Bruyas and Maricourt with several others were gone to visit the Five Nations and took with them a good quantity of dry goods as presents. The companies are increased to thirty-two, but are very defective. Recruits were daily expected. *Copy.* 3¾ *pp. Endorsed*, Recd. 9th, Read 18th Dec. 1700.

845. viii. Lord Bellomont's instructions to Col. Romer, to prospect the Onondage country and reassure the Indians. "You are to go and view a well or spring, which is eight miles beyond the Syneks' farthest castle, which they have told me blazes up in a flame, when a light coal or firebrand is put into it; you will do well to taste the said water and give me your opinion thereof and bring with you some of it." Albany, Sep. 3, 1700. *Copy.* 1¼ *pp. Same endorsement.*

1700.

845. ix. Muster Rolls of the four companies at New York, Sept. 1700. Lord Bellomont's company, *signed*, Bellomont, Peter Mathews, John Bulkley. The Lieut-Governor's company, *signed*, John Nanfan, John Riggs, Charles Oliver. Major Ingoldesby's company at Albany, *signed*, Matthew Shanke. Capt. Weemes' Company at Albany, *signed*, James Weemes. *In all*, 6 *pp. Endorsed*, Recd. Dec. 9, 1700.

845. x. Petition of His Majesty's poor soldiers at Albany to Lord Bellomont. Humbly setteth forth the poor and miserable case of Petitioners to live here as it were in a wilderness for nothing or litle pay, and that like to be taken away from us; for we understand that Mr. Livingston exacts of us a halfe penny a day for provision, which is a thing never known, to give more as five pence a day, and a great deal of that provision we had not worth a penny a day. If it must be so, we cannot subsist, and if your Excellency will not right us, we must be forced to do that which otherwise we would not do. *Copy.* ¾ *p. Same endorsement.*

845. xi. Petition of same to same. Representing their poor naked condition, how hard it is to be twelve months bare-footed and bare-thighed, and never a rag to put on, and little or no bedding to preserve them from the cold. And another hardship attends petitioners, that was never put upon this garrison before, to be forced to burn pine wood or any trash that could be picked up, whereby they became almost blind in the winter, and all their victuals spoiled, their rags themselves so black as soot; neither have they bowl, platter, dish, or spoon to eat out of. *Copy.* ¾ *p. Same endorsement.*

845. xii. Order of Lord Bellomont for mustering the companies and returning muster-rolls every two months. Sept. 14, 1700. *Copy.* ¾ *p. Same endorsement.*

845. xiii. Lord Bellomont's instructions to Col. Peter Schuyler, etc., Albany, Sept. 3, 1700. You are upon all emergencies to give me notice at New York, and your advice what you think most proper to be done. Upon any message from the Indians Mr. Livingston is to summon the Commissioners for Indian Affairs that are in town and make a minute, in a fair bound book to be kept for that purpose, of the Commissioners' opinion thereupon. To avoid superfluous charge, the Commissioners are to signify to all the Nations that they send hither no more than three Indians at most on any message. The messengers to be allowed 3*s.* per day each for three days only, to be paid by Mr. Livingston, and nothing more, whereof Mr. Livingston is to take note. *Copy.* 2 *pp. Endorsed*, Recd. 9th, Read 18th Dec. 1700.

845. xiv. Humble address of the principal inhabitants of Albany to Lord Bellomont. Aug. 24, 1700. We welcome your visit to the frontiers, which are in a

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most deplorable and languishing condition. The City and County of Albany has laboured under the greatest hardships during the late long war, when they were exposed to inexpressible dangers, being barbarously murdered, scalp'd and carried captives by the French and their merciless Indians, which forced many to remove to other parts of the Province. We had hoped to participate in the blessings of a joyful peace, but find our trade more decayed than formerly, by reason of the French and their missionaries daily deluding and debauching of our Indians, sometimes causing them to be killed by the far Indians, and at other times seducing them to live at Canada to be instructed in the Christian faith, and where these prevail not, they raise factions in their castles, and take off by poison those that cannot be so seduced, by which artifices they have increased the Castle of praying Indians at Mont-reall from four-score fighting men, Indians that had deserted the Five Nations before the war, to above 350, and daily grow more and more, so that if a war should break out they would totally overrun these frontiers, and thereby facilitate their passage to destroy Virginia, Maryland and the rest of the Plantations, their method of fighting being in skulking parties, so that they may easily infest the whole Continent, the Plantations and houses generally lying straggling, and more particularly in Virginia and Maryland, in such manner that it will be wholly impossible for the inhabitants thereof to cultivate their land. This will be no hard matter for them, considering how well the French have fortified themselves ever since the peace, with more vigour and diligence then in any time of the war, having continually had supplies of men and money from France. On the other hand our fortifications are quite gone to decay, our soldiers daily deserting, having neither cloths, nor pay nor any care taken to defray their subsistance, soe that the victuallers are wholly discouraged; having contracted considerable debts on account thereof, and are now threatened to be prosecuted for the same, by which means many of our inhabitants are great sufferers and the people in general being soe much impoverished by the war, that they cannot assist in fortifying as they often did when they were in a thriving condition. We pray your Excellency to lay our deplorable condition before His Majesty, and beg that he may cause a stone fort to be built here, sufficient to receive both the inhabitants and Indians, before the fortification be erected at Onnondage, which will be very chargeable, and, if better care be not taken to maintain and subsist the same than has been of the garrisons in this Province during the late war, we fear it will fall into the hands of the French and so inevitably

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lose the Five Nations. We intreat you to intercede that recruits be sent over and duly subsisted, clothed and paid, which might not only defend the frontiers, but offend the enemy, and to inform His Majesty the absolute necessity of having good Protestant Ministers here to instruct the Indians. We pray your Lordship to take some effectual care, either by a law or otherwise, to secure the Indian Trade to this city, which was the ground of the inhabitants settling here at first, and which hath always been very advantageous to H.M. revenue, but now of late wholly gone to decay, and the small trade that comes is snatch't away by the inhabitants of Schenectady and others in the County, who not only sell all sorts of goods, but rum and other strong liquors to the Indians without paying any excise. The Inhabitants of this city, if not secured with sufficient forts and men to defend them from the enemy, are unanimously resolved, immediately on a declaration of war, totally to abandon it, which will be of most pernicious consequence to His Majesty's interest. *Signed*, Harmanus Wendell, Fredrick Harmysse, Corn. Bogardus, Joseph Janse (his mark), Keenraet Ten Eyck, John Kidire(?) (his mark), Ahasuerus Marselis (his mark), Maes Cornelis, Jacobus Schuyler, B. Corlaire, Johannes Beeckman, Livinus Winne, Hendrick Douw, Andries Jante, Jan Syn (his mark), Anthony Bries, Johannes Groenendyck, William Vanalen, Hendrick Hansinch, Jacob Bogaert, Tomas Harmenson, John Car, Thomas Milinton, Johannes Luykassen, John Gilbert, Evert Wendell, Reyer Myndersè, Anthony Coster, Jan Vanhaeghen, Johannes Oothout, Elbert Gerritse, Direck Wessells, J.P., Johannes Abeel, Robert Sandersse, Johannes Cuyler, Abraham Schuyler, Myndert Schuyler, Johannes Harmenson, Direck Mingel, Stephanus Grosbak, Warnaer Karstensen, Wm. H. Hogin, Johannes de Wandalaer, Adrian Quackenbos, Cornelis van Schelluyne, Abraham Kip, Direck Vanderheyden, Phillip Schuyler, Anthony van Schonck, Haac ver Planck, Gerrett Roosiboom, Gerrett Saycar, Paulus Merrey, H. V. Dyck, Jean Rosie (his mark), Antho. Brat, Reyer Gerritson, Daviell Brat, Melgert Vanderpool, Gysbert Marcelis, David Schuyler, Alderman, Johannes Rooseboom, Alderman, Wessel Ten Broeck, Alderman, Albert Ryckman, Alderman, Jacob Risch, Assistant, Hendrick Gothout, Assistant, Lucas Gerrits, Assistant, Johannes Bleecker, Assistant, Gerrett Van Nes, Assistant, Johannes Myngeel, Assistant, Robert Livingston, junr. *Endorsed as preceding. Copy.* 4 *pp.*

845. xv. Account of the charge of His Excellency's Expedition, *etc.*, to Albany, Sept. and Aug. *Total*, 797*l.* 5*s.* 2*d.* *Same endorsement.* 1 *p.*

1700.

845. xvi. (1) Account of the stock of the Corporation for the Indian work, where placed in bonds and mortgages. June 1, 1700. Total, 2,428*l.* 5*s.* 3*d.*

845. xvi. (2) List of those who receive salary for preaching to the Indians. May 13, 1700. Rev. Saml. Treat of Eastham, Capt. Thomas Tuper of Sandwich, Peter Thacker of Milton, Daniel Gookin of Sherburn, John Weeks of Elizabeth's Island, Grindall Rawson of Mendon, Saml. Danford of Taunton, Experience Mayhew of the Vineyard, Mr. Minor of Woodbury, Conn., Eliphalet Adams of Little Compton, Japheth, Indian Pastor at Martha's Vineyard, M. James Laborie of Oxford. *Total salaries* = 297*l.* *Same endorsement. The whole,* 1½ *pp.*

845. xvii. List of the Eight Members of H.M. Council of N. York. *Endorsed,* Recd. Dec. 9, 1700. ½ *p.*

845. xviii. Copy of deposition of Tho. Ogden, Commander of the *Thomas and Elizabeth,* that the beds and blankets to be carried from London for the garrison at New York were not new, but had served the army in Ireland. Aug. 6, 1700. *Endorsed,* Recd. 9th, Read Dec. 20, 1700. ¾ *p.*

845. xix. Copy of deposition of Thomas Ogden, Commander, Joseph Fletcher, Doctor, John Small, mate, and John Chapman, gunner and boatswain of the *Thomas and Elizabeth,* that the powder brought for the King's stores was delivered as received. *Same endorsement.* ¾ *p.*

845. xx. Copy of Petition of the recruits newly come from England to Lord Bellomont, begging consideration for their long voyage on short allowance and their lack of shoes and linnen, so that they are ashamed to appear at arms. Petitioners pray for their sea-money and short allowance. *Endorsed,* Recd. Dec. 9, 1700. 1 *p.*

845. xxi. Account of H.M. Revenue in the province of New York. Totals:—June 8, 1698–June 24, 1699, 5,267*l.* 11*s.* 2¾*d.*; June 24, 1699–June 24, 1700, 5,400*l.* 19*s.* 6*d.* *Signed,* S. V. Cortlandt, Commissioner. *Same endorsement.* 1 *large page.*

845. xxii., xxiii., xxiv. Copies of accounts of the sales of three condemned ships, the *Nassau,* the *Adventure* and the *Fidelia,* at New York in 1700. ¼ *p.* *The whole endorsed,* Recd. 9th, Read Dec. 20, 1700. 3 *pp.*

845. xxv. (1) Andrew Belcher to Lord Bellomont. Boston, Sept. 23rd, 1700. Reporting favourably upon the quality of pitch, tar and turpentine in Carolina, Virginia and Massachusetts. *Copy.* 1 *p.*

845. xxv. (2) Same to Same. Boston, Oct. 6, 1700. I have been with sundry of our carpenters, who are of the same opinion with myself that it is as good stuff as any to pay a ship's bottom and the seams of the upper work. *Copy.* ¾ *p.*

1700.

845. xxvi. Andrew Belcher to Lord Bellomont. Boston, Oct. 14, 1700. I have made an experiment and find turpentine will serve to pay the seams of the upper work as well or better than pitch. The only difficulty is in boyling of it, mixed with brimstone it does better than rozin to make stuff for ships' bottoms to keep out the worm. *Copy.* 1 *p. Nos.* xxv. *and* xxvi., *endorsed*, Recd. Dec. 9, 1700.

845. xxvii. Governor the Earl of Bellomont to some shipwrights, instructing them to examine and report the ship-timber on board the *Fortune*. Fort William Henry, Oct. 5, 1700. *Copy.* ¾ *p.*

845. xxviii. Report of the shipwrights, New York, Oct. 5, 1700 that the timber in the *Fortune* is choice good timber, better than Eastland and nearly equalling any English grown. *Signed*, John Latham, John Littlemore, John Diggens, Wm. Haylockers, Clement Elservert, Saml. Loveredge, Isaac Brasher, Edwd. Cox, Daniel Latham, Joseph Latham. *Copy.* 1 *p. Nos.* xxvii. and xxviii., *endorsed*, Recd. Dec. 9, 1700.

845. xxix. (1) Invoice of the ship-timber shipped for England in the *Fortune*. 1 *p.*

845. xxix. (2) List of timber remaining on the wharf at N. York. 1 *p. The whole, endorsed as preceding.*

845. xxx. Account of the money disburst by Abraham Depeyster for cutting ships' timber about the Highlands on Hudson's River. *Signed*, John Latham. *Endorsed as preceding.* 2¾ *pp.*

845. xxxi. Governor the Earl of Bellomont to the Lords of the Admiralty. New York, Oct. 15. I have received your letters with the Passes enclosed, which I am dispatching accordingly. The *Newport* frigate goes home according to your order, and the *Fortune* laden with timber. I believe if the Builders in the King's Yards do this timber right, they cannot find fault with it. I send a copy of the shipwrights' report about it, and also invoices of the cargo of the *Fortune* and the timber which she is forced to leave behind. I am sure it will be abundantly cheaper than that which Mr. Bridger sent home, and I hope to furnish it yet cheaper, at the Merchants' risque, but must first receive your directions. Sending timber from the Plantations will save England 100,000*l.* per annum, secure the trade, which is at present precarious, and increase shipping. The Eastland Merchants will oppose this design, which will stand in need of your Lordships' care to support against their artifices. The *Arundel* and *Newport* frigates have been on three cruises apeice this spring and sommer, but they had not the luck to meet with anything. The *Advice* is laid up till next Spring. Mr. Livingston has heard that Mays, a pirate, and another came with two ships to the east end of

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Nassau Island the latter end of last winter, and had to the value of halfe a million between 'em, that they sent privately to this town to know whether they might come in with safety and be pardon'd, but that some men of the Law frightned them away, by telling them there would be no quarter for 'em, if they fell into my clutches. He says some of the angry men triumph much at their disappointing me, for, say they, "the matter might have been so ordered that the Governor might have got 100,000*l.* honorably, and the Province been enriched, but we owe him not that kindness." I cannot persuade Mr. Livingston to name his author.

Some Scotchmen are newly come hither from Carolina, that belonged to the *Rising Sun*, who tell me that on the 3rd of last month a hurricane happen'd on that coast, as she lay at anchor within less than three leagues of Charles Town, with another Scotch ship, the *Duke of Hamilton*, and three or four others; that the ships were all shattered in peices and all the people lost, and not a man saved. The *Rising Sun* had 112 men on board, 15 of whom had gone on shore to buy provisions and so were saved. Two other of their ships they suppose were lost in the Gulph of Florida in the same storm. They came all from Jamaica, and were bound hither to take in provisions in their way to Scotland. The *Fortune* stands the King in 588*l.* 19*s.* 0½*d.* N. York money, which makes about 408*l.* sterl. She will sell in England at near 600*l.* sterl. I desire your Lordships will order me 327*l.* English for the timber I have provided. Capt. Deering, Lieut. of the *Arundel*, commands the *Fortune* home, whom Capt. Crow commends for a good officer. *Signed*, Bellomont. *Endorsed*, Recd. 9th, Read Dec. 19, 1700. *Copy.* 3¾ *large pp.*

845. xxxii. Heads of several things proper for the Plantations and fit to be recommended home to England, drawn up by Mr. Penn. (1) For the more easy and certain commerce of the Northern Colonies in America, it would be convenient that there would be one standard or coin, or that money were of the same value, for in Boston for that piece of ⅛ 6*s.* goes in New York for 6*s.* 9*d.* in Jersey, and in Pensilvania 7*s.* 8*d.*, in Maryland 4*s.* 6*d.*, Virginia at 5*s.*, and in Carolina. (2) It would be much for the dispatch for trade and business, if a Mint for small silver to the value of 6*d.* were allowed in New York, for prevention of clipping and filing as well as wearing, which is very troublesome. (3) For the encouragement of returns it would be very expedient that due encouragement were given for the exportation of timber from hence for England by an impost on foreign timber. (4) Great caution should be observed to adjust the bounds northward with the

1700.

French Commissioners, or the losse will be great and irreparable. We take the south side of the river and lakes of Canada to be our just and reasonable boundarys soile and trade with the Indians being much concerned therein. (5) For prevention of runaways and rovers and fraudulent debtors coming from one Province to another for shelter, it should be recommended to all the Governments to make a Law with the same restrictions and penalties, as if the whole were but one Government. (6) Foreigners coming daily of diverse nations, especially Dutch, Sweads and Freneh, 'tis humbly offered that a General Law of Naturalization pass in England, that such foreigner[*s*] that come to inhabit in any of the King's colonies that arc by Act of Assembly declared freemen in the said Provinces, shall injoy the rights and liberties of English subjects, except being masters or Commanders of vessels and ships of trade. (7) It should be signified to the respective Governments, for prevention of vexatious and litigious practices, that no appeal for England should be admitted under the real value of 300*l*. (8) That not only charges in apprehending of Pyrats, but a proportion of the prey, may be assigned to such as shall take them for the encouragement of their apprehension. *Endorsed*, Recd. Dec. 7, Read Jan. 10, 1700. *Copy*. 1¾ *pp*.

845. xxxiii. *Submission of the Eastern Indians to the Five Nations.* Memorial given by Henry and Cornelius, the Mohack Indians, of the propositions made by the Onnagongues Indians to the Five Nations. Albany, Oct. 7, 1700. Brother Corlaer, it's in ye late proposition concluded that all the news that comes to ear must be made known by the one to the other. The five Sachems of Onnagongue said to the Sachems of the Mohacks' Country:—We desire to join with you into the Covenant Chain, not only as brethren, but like children under you. We desire to settle under your tree of welfare, which extends with its branches to the utmost of the Five Nations. The Governor of Canada hath long beeu our father, and we his children, and alwayes gave us fair words, but now we find he is false, have therefore closed up the path in cutting trees cross over it, so that none of us can go thither. We take you as fathers, and desire that the bounds of the Five Nations may be reckoned from the outermost of our Five Castles. *The Sachems of the Mohacks' Country replied*:—Children, we accept your proposal, and doubt not but our brother Corlaer will accept you for brethren also. You must join with him into the Covenant Chain, as wee and ye Indians of Shaahkooke are, given them four belts of wampum by the Mohacks (*sic*).

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Children, you tell us of a path which you have shut up at Canada; you have another path from your Castles to Quebecke; let that likewise be shut up, and lead your path hither, so that your backs be turned to them, and your faces shewn this way. We must tell you concerning our religion, and how kind our Brother Corlaer is in causing us to be instructed in learning much exceeding the learning you receive in Canada. Therefore we desire you to come and participate with us in our belief, so that thereby we may become one flesh and blood. Gave one belt of wampum, and here's three beaver skins. *Endorsed as preceding. Copy.* 1¾ *pp.*

845. xxxiv. List of ships registered in the province of New York, Dec. 25, 1699, to June 25, 1700. One ship (50 tuns), two brigantines, ten sloops and one pink, built at New York, Connecticut, Barmudas, Rhode Island, East Jersey, Albany, Bristol and New Rochelle, 1693–1700. Owners' names :—Aert Albertse, Benjamin Funeil and Jacob Ratier, Lucas Kierstead, Robert Lurtin, Lawrence Reed, Steph. Delancy, Wm. Morris, Brand Schuÿler, Wm. Holborn, Andrew Gravenraet, Robert Watts, Robert Burges, Math. Clarkson, Robert Allison, Ebenezer Wilson, John Morris, Benj. Funeil, Benj. Bull, Rip van Dam, Samuel Bayard, John Rodman, Wm. Birkly, Rich. Willett, Thomas Burroughs, Peter Burton. *Signed*, Paroculus Parmyter, Naval Officer. *Endorsed*, Recd. Dec. 9, 1700. ¾ *large page.*

845. xxxv. Memorandum of Collectors' Lists of Ships entered inwards, Dec. 25, 1699–June 25, 1700. ¼ *p.*

845. xxxvi. Memorandum of Collectors' Lists of Ships entered outwards, Dec. 25, 1699–June 25, 1700. ¼ *p.*

845. xxxvii. Memorandum of Naval Officer's Lists of Ships entered inwards and outwards, Dec. 25, 1699–June 25, 1700. ¼ *p.*

845. xxxviii. Memorandum of Minutes of Council of New York, April–June, 1700. ¼ *p.*

845. xxxix. Memorandum of Minutes of Council of New York, July–Sept. 1700. ¼ *p.*

845. xl. Memorandum of Minutes of Council in Assembly of New York, July 25—Aug. 9, 1700. ¼ *p.*

845. xli. Memorandum of three Acts of Assembly of New York, July 29, 1700. ¼ *p.* [*Board of Trade.* New York, 11. *Nos.* 1, 1.i.–xli.; *and* (*without enclosures*) 55. *pp.* 16–60; *and* (*abstract of letter, with marginal notes for reply by the Board*), 45. *pp.* 98–114; *and* (*duplicates of* v.–viii., x.–xiii., xv., xvii.–xx., xxvii.–xxx., *and* xxxiii.), *America and West Indies.* New York, 580. *Nos.* 32–48; *and* (*duplicate of* xxxii, *undated and unendorsed*), New Hampshire, 572. *No.* 5.]

1700.

Oct. 17. Royal College of William and Mary.

846. Minutes of Council of Virginia. Upon the report received from Lt.-Col. Nathaniel Littleton of Northampton County of a pirate ship hovering near, Capt. Passinger was ordered to cruize in the bay, and the Commanders-in-Chief of the Militia were ordered to appoint look-outs.

Mr. Benjamin Harrison was appointed Attorney General to prosecute criminals now on trial *pro hac vice*. [*Board of Trade*. Virginia, 55. *pp.* 27–30.]

Oct. 17. **847.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet, enclosing a draught of the Bay of Bonavista, being read, ordered that the draught be copied and returned to him.

The Acts of the General Assembly of Nevis, Aug. 1699 and Jan. $\frac{1699}{1700}$, were read, together with Mr. Solicitor General's report. Directions given for a Representation wherewith to lay them before their Excellencies.

Oct. 18. Letter from Governor Blakiston, with enclosed papers, read. Ordered that Mr. Bradshaw, who brought hither the first complaint of Capt. Munday's being robbed, etc., have notice given him of the information here contained.

Representation ordered, recommending Mr. Lawrence for the Council of Maryland.

Representation upon the Acts of Nevis signed. [*Board of Trade*. Journal, 13. *pp.* 207–210; *and* 97. *Nos.* 185, 186.]

Oct. 18. Nevis.

848. Col. Fox to the Council of Trade and Plantations. I have been petitioned by Capt. Will. Mead, Commissioner of H.M. Customs in these Islands, for the calling of a Court of Exchequer that His Majesty might recover his dues from the several parties that had defrauded him thereof. He had solicited the President and Council of Nevis, before my arrival, to little purpose, nor had the Common Law done His Majesty right, so I issued a proclamation to the several Islands for the holding of that Court and a Court of Escheat at St. Christopher's. My reason for the latter was that there is several lands forfeited to His Majesty by the Irish rebels taking up arms in the beginning of the late war and assisting the French to drive the English out of St. Christopher's. I being petitioned by virtue of several grants to put people into possession of these lands, and there being people I found possessed of some hundred of acres that had no right to them, they having taken 'em without any authority, for the late General Codrington had given many large promises and to several people under his hand for the same, neither had he taken, as I conceive, the right way of disposing of these lands, for men that are charged with rebellion must by some Court or other be convicted, after which their lands fall of right to His Majesty and then may be disposed of to his deserving subjects, on which I thought no Court so proper as that of Escheat, I ordered the Court of Exchequer first to be held that I might go through that part of His Majesty's rights, there being a bond taken by the same Mead from one Lambert for 2,000*l.* in lieu of negroes that

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had been landed on St. Christopher's contrary to the Acts of Trade. Upon the first holding of the Court of Exchequer, the Speaker and Assembly of St. Christopher's opposed it, urging in two addresses to me that the holding of these Courts was contrary to law. I send copies of these with my answers, that you may be judges what grounds they have for such proceedings, the estates of most of them belonging of right to His Majesty, which oppositions, with their lawyers pleading for more time upon pretence of their not being prepared, have caused that Court to be adjourned from time to time. I have given my directions to the Attorney General to allow of no more delays, they being to sit to-morrow, and if this ship doth not sail before I have an account of it from St. Christopher's, I will give your Lordships the account of it, or by the next that sails from thence. President Burt, being Chief Justice of the Court of Common Pleas, and several of the Council judges his assistants, upon several complaints of their unregular proceedings in their frequent adjourning of the Courts from quarter to quarter, which kept people out of their rights for several years, I desired that His Majesty's Order for preventing the frequent adjourning of the Courts for the future should be read in Council and recorded, and the aforesaid President and Judges declining and excusing themselves from continuing in their offices, I was obliged to give out new Commissions, to James Bevon, as Chief Justice, Tho. Belman, William Ling and Richard Tovey as Judges, his assistants, all gentlemen of the Assembly, as thinking them the most capable and the least in debt that I could find in this place. I have given to Mr. John Cole a commission to be H.M. Attorney General for Nevis and St. Christopher's, who is very fit for that employment. Upon Col. Michael Smith's death, who was one of the Council of this Island, I have sworn the aforenamed Bevon in his place; and, seeing by the disposition of the people, that when I ordered the Council to meet, when they knew there was something to be agitated concerning the King's interest, very often some excuse or other detained them at home, which was a disappointment, and made me add one to that Council, who is Col. Spencer Broughton. The Council of St. Christopher's having addressed me for adding one to their number, in consideration of Capt. Mead being one and seldom being there, his residence being most upon this Island, on their recommending to me Capt. John Davis, a member of that Assembly, I had him sworn to that purpose, and there having been no law open in that Island since the war, and they soliciting me for the appointment of their several Courts to be held, I have appointed Col. Joseph Crisp to be Chief Justice and others of the Council of that Island to be Judges, his assistants, and the Court of Common Pleas to be held Dec. 3. *Signed*, Edw. Foxe. Since my letter was written, having been credibly informed that one Tempest Rogers, who formerly ran away with a merchantship of London and turned pirate at Madagascar, came about eighteen months ago into these parts and lived at St. Thomas's, whence he came to St. Eustatia in order to settle there, I sent Capt. Doyley with H.M.S. *Deale*

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Castle with a letter to the Governor of that Island to demand that man from him, as having been a pirate and being one of His Majesty's subjects ; but Capt. Doyley return'd hither, as he went, only brought me an answer from that Governor, who pretends that he knows nothing of Tempest Rogers, but that he would order him to be secured, if he could be found, which is a frivolous excuse, the informers having assured me that he had several times been seen upon that Island. Being also informed that there is a great many of those pirates settled at Carisso, another Dutch Island, I desire your directions therein. *Endorsed*, Recd. Dec. 23, 1700, Read Jan. 14, $\frac{1700}{1701}$. $3\frac{1}{4}$ *pp.* *Enclosed*,

848. i. Abstract of above. 2 *pp.*

848. ii. Petition of William Mead to Col. Foxe. On Sept. 28, 1698, petitioner seized 50 negro slaves in St. Christopher's and accepted security of Michael Lambert for them, to avoid the incumbent charges till trial could be had. A decree was obtained May 29, but the negroes are still detained. Samuel Brown stood security for Henry Bolton, late Collector of Antigua, in 500*l.*, who at his removal from office was in arrears to His Majesty near that sum. John Esdaile, late Collector of St. Christopher's, stands indebted to His Majesty by account under his hand 40*l.* 13*s.* 3*d.* Whereupon petitioner prays that a Court of Exchequer may be held in this Island. *Same endorsement.* 1 *p.*

848. iii. Address of the Assembly of St. Christopher's to Col. Foxe. Nothing conduceth more to the happiness and welfare of this country than a right understanding and entire confidence between your Honour and the people, which can no way be so firmly established as by protecting us in our rights and liberties. The ready compliance lately expressed to the passing several Acts gave great satisfaction ; it is not less unspeakable concern to us that any Court of Exchequer and a Court of Escheat, never heretofore held in this Government, should now be erected, contrary to former practices and received customs. These Courts would be an innovation ; contrary to custom and Magna Charta and would take away the liberty of juries, the grand liberty of all Englishmen. *Signed*, Jcd. Hutchinson, Speaker. *Copy.* $1\frac{1}{4}$ *pp.*

848. iv. Second address from same to same. In the perusal of your Honour's answer we observe that you admire that we should remark your erecting the Courts of Exchequer and Escheat, that they are illegally constituted. As to the Court of Exchequer, we find it is required in H.M. Instructions that it should be erected "by the advice and consent of H.M. Council and established by some law of this Island." As to the Court of Escheat we find in the said instructions you shall not erect any Court or Office of Judicature not before erected without a special order from His Majesty,

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as also to take care that no man's life, member, freehold or goods be taken away or harmed in any of the Islands under your Government but by established and known laws, not repugnant to the Laws of England. And wheras it is the misfortune of this Island that we have not established laws and that these Courts are erected contrary to the King's Commission and the consent of His Majesty's Lieutenant Governor and Council, whereby we do affirm the illegality of such Courts, and your advisers and promoters thereof are adjudged by this House disturbers of the peace and quiet of His Majesty's good subjects of this Island, therefore, that the King may have his dues and the subject a fair trial, we humbly pray there may be a stop put to such proceedings, until the said Courts be legally constituted by established laws by the Government of this Island. *Signed*, Jed. Hutchinson, Speaker. *Same endorsement. Copy.* 1 *p.*

848. v. (1) Col. Foxe to the Assembly of St. Christopher's. Answer to the first Address above. I cannot forbear to admire your taxing me with bringing in innovations. Why shall not justice be done to the King as well as the subject? It is His Majesty's express command in his Instructions that a Court of Exchequer be held from time to time, of which you may have a copy, if that will satisfy you. How can you think it hard that persons should be compelled to pay their debts to His Majesty? The Court of Exchequer is not only a Court where the King can recover, but all persons may be redressed and righted, if wronged. The proceedings are exactly the same on the plea side with other Courts at Westminster, and is as ancient as any of the rest. As for precedents, there was a proclamation about 1696 to hold a Court of Escheat on Nevis before H.M. Escheator, where a certain tenement of one Widgmore for want of heirs was on the oaths of twelve men or more found to escheat to His Majesty. As for precedent I shall follow none but those that are warranted by the known Laws of England, and I have not so soon forgot the late Act of Parliament, whereby I am answerable at the King's Bench Bar for all my proceedings that don't exactly square with the Laws of England as well as the Laws of the Colony. I take it very kindly of you that you remember me of Magna Charta. How well this has been performed by those that were in authority, I leave you to consider, when illegal imprisonments, without any presentments as the law provides, and divers of His Majesty's subjects illegally disseized of their freehold and the same given away in His Majesty's name, when there was no office found for the King, whereby he might be entitled to take the same, as well as to

1700.

grant it. Give me leave to cite for law to you my Lord Coke, and there you will find the Courts are no innovations on you, but absolutely necessary for every Englishman in any English Government.

848. v. (2) Same to Same. I thought I had shown you that the Courts of Exchequer and Escheat are neither illegal nor novel. You are plainly mistaken in alleging that they must be erected by consent of the Council and established by some laws. My instructions say that wherever His Majesty's service should require the holding of a Court of Exchequer, I should do it. Pray, gentlemen, mark that and don't let any litigious person run you into any dilemmas, and you make no distinctions between erecting new Courts and holding the ancient Courts of England; for the English laws follow every Englishman in an English Government all the Plantations over as naturally as the shade doth the body. I thank you heartily for your so candid advice for His Majesty's service as that you are willing he should have his dues and the subject a fair trial; but, if I take you right, that is by stopping the proceedings of the Court of Exchequer, as it His Majesty could recover his dues elsewhere, which if you would inform me he could, I should take time to advise. St. Christopher's, Sept. 10, 1700. *Signed*, Edw. Foxe. *Same endorsement. Copy.* 3½ *pp.* [*Board of Trade.* Leeward Islands, 7. *Nos.* 5, 5.i.–v.; *and* (*without enclosures*) 46. *pp.* 143–148; *and* (*Addresses of the Assembly only*), *America and West Indies.* Leeward Islands, 551. *Nos.* 92, 93.]

Oct. 18. Whitehall. **849.** Council of Trade and Plantations to the Lords Justices. We have considered the Acts past in Nevis, Aug. 1699 and Jan. $\frac{1699}{1700}$. As to the Act to ascertain the value of foreign coins to pass currant in this Island, Aug. 14, 1699, and the Act renewing the same, Jan. 30, $\frac{1699}{1700}$, we humbly represent that the coins therein specified are made currant if they have only a visible stamp on either side, without any regard to their weight, which we conceive may be a great encouragement to clipping. The eighth part of a Peru piece of eight being in proportion to the value of a whole piece but sevenpence halfpenny, and having accordingly been there so-called, it is by these Acts made currant at 9*d.*, which is contrary to the tenour of H.M. Instructions to the Governors in Chief of all H.M. Plantations and particularly of the Leeward Islands, forbidding all the said Governours to permit any order to pass in their respective Governments, whereby the price or value of currant money should be altered without His Majesty's particular leave or direction. For which reason we humbly offer that these Acts be repealed. And as for all the remaining Acts (*enumerated*) we see no objection why your Excellencies may not be pleased to approve the same. *Signed*, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* Leeward Islands, 46. *pp.* 107–109.]

1700.
Oct. 18. N. York.

850. Governor the Earl of Bellomont to Mr. Sec. Vernon. The *Advice* frigat brought me the favour of your letter of June 26. I am heartily sorry for my Lord Sommers's being remov'd from his employment, and wish it may be as worthily fill'd by a successor, and the King as well and faithfully serv'd by another as he was by him. I am also extreamly troubled for the Duke of Shrewsbury's indisposition of health that has forc'd him to resign his imployment. *Refers to his conferences with the Five Nations and success in bringing the Eastern Indians to declare for a subjection with them to the King.* This I cannot but thinke a very valuable service to England; but for ought I see, I must set a value on my services and recompense 'em myselfe, for any care that's taken of me at home. I send you all the writings I have that any way relate to Kidd. The original articles are written with Mr. Livingston's own hand. There's no intricacy in all that matter. The design of the owners of that ship I have reason to know was very honest, and the successe I believe had been very fortunate and serviceable, had we not been persuaded by Mr. Livingston to put the ship under the command of a most abandon'd villain, for we were all of us strangers to Kidd, but imploy'd him upon Mr. Livingston's recommendation of his bravery and honesty, but he broke articles with us at the very first dash, for instead of sayling to those seas which pyrat ships frequent, he came hither directly to New York and loyter'd away severall moneths, and Mr. Livingston, who was got hither from England before me, told me at my arrival here that there was a private contract between Col. Fletcher and Kidd, whereby Kidd obliged himself to give Fletcher 10,000*l.*, if he made a voyage. Mr. Livingston told me this was whisper'd about, but he could not get such light into it as to be able to prove there was such a bargain between 'em. That it was so, is probable enough, because Col. Fletcher suffer'd and countenanc'd Kidd's beating for voluntiers in this town, and taking with him about a 100 able sailors, which is a losse to this country to this day. I must say in justification of the noble Lords concern'd with me, that I do not believe any of 'em ever saw Kidd; and for my own part I never saw him above thrice, and Mr. Livingston came with him every time to my house in Dover Street. The whole matter of the outset of that ship was transacted between Mr. Livingston and me.

The 100 recruits which the *Advice* frigat has brought are very good, but the officers and souldiers mighty uneasy for want of full English pay, which I desire you will please to obtain the King's consent to; otherwise I must be forc'd to resign these Governments. 'Tis really a great wrong and oppression to them to have a deduction of 30 per cent. struck off from their pay in a country that's full twice as dear to live in as London. If I were capable of pocketing almost all the 30 per cent. as Col. Fletcher did, I would not urge, as I do, the depriving myself of so beneficiall an article, to give it to the officers and souldiers. In plain English, 'tis a great abuse, and much to the King's dishonour it should be continu'd; it has the air of a trick and a fraud upon the poor souldiers, and I will wash my hands of it and of the Government too, unlesse they have full English pay. I desir'd

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you about a year and half ago to order Major Ingoldesby to his post ; his company is at Albany, and he has been four years absent and taking his pleasure in England. Your taking a short memorandum of such a thing were not amisse. 'Tis an unpardonable neglect in that man to be away so long from his duty. His wife and children are starving at Albany, and he is so inhumane as not to look after or supply 'em in the least. I wish you would please to get him exchang'd for some honest, sober Captain in one of the Regiments in England, for he is a very rash indisereet man, and had a principall hand in the execution of Leisler and Milburn. I hope you and the rest of the Ministers will move the King in my favour, that I may have some compensation for the 1,000*l.* a year the King was pleas'd to bestow me of the Irish forfeitures, and which the Parliament have depriv'd me of, by the Act which resumes that and other grants of those forfeitures. *Repeats news of the loss of the Rising Sun, etc.* I have a parcel of the swearingest and drunkenest souldiers in my company that ever were known in the world, and 'tis not possible it should be otherwise ; both the Lieutenants Fletcher left me keep taphouses ; one of 'em has the King's Commission and t'other Fletcher's. I know 'tis against the articles of war that officers should keep publick houses, but really till now very lately that the King pays the companies here again, I could not avoid winking at the Lieutenants taking that ill course for a livelyhood for them and their families ; but the ill habit of it I find remains with them, and I cannot break them of it. But what is yet worse I cannot look on them as friends to me, or any design of mine for the King's service. The Council of Trade direct me to make an experiment in working some naval stores here with the souldiers. I cannot go about it with such officers, who, I believe, would rather traverse me in such a design than further it, and would I fear stir up a mutiny among the souldiers, if I should propose to 'em the working at Naval Stores for the King. I am not for breaking these Lieutenants, but exchanging them for honest good Lieutenants in some of the regiments in England. My first Lieutenant's name is Peter Mathews, bred up from a child with Col. Fletcher, and 'tis at his house that the angry people of this town have a club and hold their cabals. My second Lieutenant's name is John Bulkeley. There is also another Lieutenant in Major Ingoldesby's company, whose name is Mathew Shank, a most sad, drunken sott, and under no good character for manhood. I desire also he may be exchanged for a better man from England. I beg you will not forget this exchange of the three Lieutenants and of Major Ingoldesby, otherwise I have no businesse to stay in this country ; and, to be plain with you, I would not stay a week here, were it not that I have a mind to accomplish the designs I am upon, for the service of England, viz., the securing the affections of our Five Nations and drawing new nations of Indians under the obedience of his Majesty, building the fort in the Onondage's country, and furnishing the navy and all the King's dominions with Naval Stores and ship-timber. All which things, if I can bring 'em to bear, may I hope passe for essential services.

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I give a very good reason in my letter to the Council of Trade for taking off the 30*l.* per cent., the present deduction from the souldiers' pay, for I offer to pay the extraordinarys, as chaplains, surgeons, gunners, matrosses and storekeeper's pay out of the profits I shall make by turning that money in trade, which I desire you to use as an argument to move the King to consent to full English pay for these officers and souldiers. I desire you will please to deliver my inclosed letter to the King. 'Tis not so much a letter of businesse as complement; I send you a copy of it, for your own perusall alone. *Signed*, Bellomont. *Endorsed*, R. Dec. 9, 1700. *Holograph.* 6 *pp. Enclosed*,

850. i. Duplicate of preceding. *Endorsed*, R. Dec. 20, 1700.

850. ii. Copy of Articles of Agreement between Richard, Earl of Bellomont of the one part, and Robert Livingston and Capt. Wm. Kidd of the other part. Oct. 10, 1695. and Feb. $169\frac{5}{6}$, as to the fitting out of the *Adventure* for the seizure of pirates and the King's enemies, with stipulations as to disposal of the prizes, etc. 2 *large pp.*

850. iii. Copy of Mr. Livingston's bond for the performance of above articles. 1 *p.*

850. iv. Copy of Capt. Kidd's bond in 20,000*l.* for the performance of the above articles. 1 *p.* The three documents *witnessed by* Martha Brehen, John Maddock, John Moulder.

850. v. Governor the Earl of Bellomont to the King. New York, Oct. 19, 1700. I have taken great pains since my coming to America to do you all the faithful service I have been able, and your Ministers can best satisfie you whether my labours have been successfull. The liberty that some former Governors took to abuse your Majesty and indulge the people of New York in the two ill practices of unlawful trade and piracy, has created me much trouble in the discharge of my duty, and the restraint I have put on them in these points has made them turbulent, and seditious, but I am not to be discouraged from the steddy performance of my duty. Your Majesty has a glorious Empire here in America, which would be vastly serviceable to England under a good management. Your Council of Trade are in the right methods of making these Plantations useful and glorious to your Majesty, and I am labouring to second their worthy endeavours, etc. I humbly beg leave to acquaint your Majesty that my appointments for these Governments are so poor and inconsiderable, that I cannot live on them; and yet these Governments are a mighty trust; for the welbeing of all your Majesty's Plantations in America depends entirely upon a right management of the Indians that live within my Governments, and your great revenue by tobacco from Virginia and Maryland, and by sugar and other productions of your American Islands, must and will always owe its continuance to the faithful care and

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vigilance of a Governor of New York and Massachusetts Bay. I humbly hope for an allowance adequate to the importance and trust that attend my present station. I have lately had the mortification of loosing the Irish grant of 1,000*l.* a year, which your Majesty had the goodness to bestow on me, and that by the Act of Parliament pass'd this last session. *Copy.* 3 *pp.* [*America and West Indies.* New York, 580. *Nos.* 30, 30.i.–v.]

Oct. 19. New York. **851.** Extract of a letter from Governor the Earl of Bellomont to the Secretary of the Council of Trade and Plantations. Mr. Smith, the chaplain whom I dismis'd, had ye impudence to come the other day and question my power of dismissing him. I forgot to acquaint their Lordships with an arch piece of villainedom by Smith whilst I was at Boston. He come to ye Lieutenant Governor and desires him to signe a blank licence, pretending the persons to be married were desirous to have their names conceal'd. The Lieut. Governor refusing, Smith brings a licence filled up with the name of Adam Ball and the maiden name of a married woman; he afterwards adds a sillable to ye man's name in ye licence, after ye Lieut. Governor had signed it, and then it was Baldridge the Pirate, and the woman was the wife of Buckmaster, a pirate who escaped out of ye gaol of this town, and who had come in Shelley's ship from Madagascar. Being asked why he married Baldridge to another man's wife, he answered she had made oath to him that she was never married to Buckmaster. He could not say by what authority he administer'd an oath, being not in ye Commission of ye Peace. Since that, it appears Buckmaster was married to the woman by a J.P. in one of the Jerseys, which is their way of marrying there. My Lord of London having writ to Mr. Vesey, ye English Minister of this town, to submit himself to me, and to me to accept of his submission, I have complyed therewith, and have promised Mr. Vesey to become his friend provided he demean himself peaceably and discreetly for ye future. I have newley reed. a l're from Sir Wm. Ashhurst, wherein he tells me ye Corporation are willing to allow 80*l.* a piece to five ministers for the Five Nations for three years, provided they be taken out of Cambridge Colledge in New England. But (1) I do not approve that the allowance should be temporary, wch would discourage ministers. (2) I do not so well like ministers bred there, as Church of England ministers, for in New England the ministers pray *ex tempore* and mightily decry set forms of prayer, insomuch that they never use the Lord's Prayer at any time. The best way in my humble opinion is for their Lordships to send to speak with Sir Wm. Ashhurst and the members of ye Corporation, which is the way to come to a right understanding in that matter. There ought to be very great care taken in the choice of ministers, that they be not such debauched, loose men as come to America, who indeed give great scandal, instead of inviting people to be of our Church Communion. They ought to be

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rightly well principl'd for his present Majesty's Government, and Englishmen rather than Scotchmen. My Lord of London is fall'n into a vein of preferring Scotchmen to be Chaplains to ye King's ships. I can only say that all ye Scoteh in these Plantations (who are pretty numerous) are very angry since their loosing Caledonia. I should desire of the Corporation but 300*l.* sterling a year for the present, for two ministers to be settled at our intended Port at Onondage, and 70*l.* sterling to be divided between the two Duteh Ministers at Albany and Schenectady. I desire you will aequaint their Lordships that the House of Representatives have given a Land Tax in lieu of the Additional Duty, which I sent home and have so much eomplained of; and they give the full 1,500*l.* I demanded of them last Session for building the Fort at Onondage. The Leisler party have taken heart again, and I could do any reasonable thing with this Assembly for the King's service, if the Judge and Attorney General were come over. 'Tis a great misfortune that they are so long delayed in England. *Signed*, Bellomont. *Copy.* 1½ *pp. Endorsed*, Reed. 9th Dec. Read 13 Jan. 1700. *Enclosed*,

851. i. Abstract of preceding. 1½ *pp.*

851. ii. Extract of a letter from Sir William Ashhurst to the Earl of Bellomont, July 2, 1700. We had a meeting of the Corporation last month and ordered 650*l.* sterling to be remitted to New England. Upon reading your letter it was ordered that the 60*l. per annum* formerly allowed to the itinerant ministers be made up to 80*l.*, New England money, for three years. We durst not order this additional sum for longer. We ordered that your Lordship have power to choose such a number of itinerant ministers as you shall think necessary for the work out of the Colledges in Cambridge. [*Board of Trade.* New York, 11. *Nos.* 7, 7.i., ii.; *and* 55. *pp.* 92-97; *and*, (*abstract, with marginal notes*), 45. *pp.* 115, 116.]

Oct. 19. **852.** Minutes of Council of the Massachusetts Bay. Proclamation for a day of Public Thanksgiving, Nov. 21st, ordered.

Joseph Grant, shipwright, of Boston, granted leave to build a shed for boat-building against his own house. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 17, 18.]

Oct. 19. **853.** Minutes of Council of New York. William Lawrence stated that there had long been a difference between him and one Hallet in Queen's County eoncerning a title of land, which now is referred to a jury of enquiry, and Augustine Graham, the Surveyor General of this Province, is a man not to be depended on. His Excellency, declaring his opinion that Mr. Graham is not fitt to be sole Surveyor, and that he believes it for the King's service and for that of the publick, that there should be several Surveyors allowed, that are sober, honest men, and of good skill in the art of surveying, ordered that Pieter Cortilean be a sworn Surveyor of this Province. [*Board of Trade.* New York, 72. *pp.* 370, 371.]

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Oct. 19. **854**. Minutes of Council in Assembly of New York. An Act for declaring the town of Eastchester in the county of Westchester a distinct parish from the town of Westchester, sent up, was read the first and second times and committed. [*Board of Trade.* New York, 72. *p.* 846.]

Oct. 21. Whitehall. **855**. Council of Trade and Plantations to the King, recommending that Thomas Lawrence (*see Aug.* 6) be constituted a member of Council of Maryland to fill up a vacancy occasioned by Sir Thomas Lawrence, his father's leaving that country. *Signed*, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Maryland, 4. *pp.* 552, 553.]

Oct. 21. Whitehall. **856**. Journal of Council of Trade and Plantations. Representation about Mr. Lawrence signed.

Letters from Governor Nicholson, Aug. 1 and 27, read, and papers therein referred to laid before the Board. Whereupon ordered that a copy be kept of the letter to M. Jaqueau and others, and that the letter be delivered to any of them, when they call for it.

Oct. 22. Several of the above mentioned papers read.

Oct. 23. A deduction of His Majesty's title to Sta. Lucia agreed upon. Letter ordered wherein to transmit the same to Mr. Secretary Vernon. Letter from Lieut. Lilbourn to Mr. Blathwayt, Aug. 29, read, and papers transmitted by him laid before the Board. Copies of the enclosed muster-rolls of the Company at Newfoundland ordered to be made and the originals to be sent to Mr. Commissary General Crawford. Secretary ordered to write to Mr. Burchet to enquire what account has been given to the Admiralty by Capt. Fairborn of his imprisoning Lieut. Lilburn. [*Board of Trade.* Journal, 13. *pp.* 210-218; *and* 97. *Nos.* 187-189.]

Oct. 21. **857**. Minutes of Council in Assembly of New York. An Act for encouraging the brewing of beer and making of malt in this Province, sent up, was read the first and second times and committed.

Oct. 22. Bill for preventing vexatious and oppressive proceedings in law in the Supreme Court, sent up, was read the first time.

Oct. 23. The above Bill read a second time and committed. [*Board of Trade.* New York, 72. *pp.* 846, 847.]

Oct. 22. Hampton Court. **858**. Order of King in Council approving appointment of Thomas Lawrence as member of Council of Maryland. *Signed*, John Povey. *Endorsed*, Recd. May 31. Read June 3, 1701. 1 *p.* [*Board of Trade.* Maryland, 4. *No.* 12; *and* 10. *pp.* 69, 70.)

Oct. 22. Hampton Court. **859**. Order of King in Council. Approving the Laws passed in the General Assembly of Nevis, 1698, 1699; and of Antegoa, 1697, 1698. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 6, 1700. 3 *pp.* [*Board of Trade.* Leeward Islands, 7. *No.* 6; *and* 46. *pp.* 109-113.]

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Oct. 22. Hampton Court.

860. Order of King in Council. Repealing, in accordance with the Representation of the Council of Trade and Plantations (Sept. 19), the following Laws of Nevis made 1698, 1699 :—

(1) Act concerning rates of liquors for taverns, tipling houses, etc. ; and for passing of Black Dogs.
(2) Act to empower the Treasurer to sue for dues, etc.
(3) Act to confirm all estates in this Island, etc, upon the owners and possessors thereof.
(4) An Act of Indemnity for Administrators, Trustees, etc.
(5) Act to oblige Masters of Ships to give in security besides the security by Act of Parliament.
(6) An Act to revive and continue divers Acts of this Island.
(7) An Act to ascertain the value of foreign coins to pass current in this Island.
(8) Act for renewing the above Act.

Order of Council repealing two Laws of Antegoa passed, 1697, 1698 :—

(1) An Act appointing the number of Assemblymen and the manner of their Election.
(2) An Act for restraining and punishing privateers and pirates.

Signed, John Povey. *Endorsed*, Recd. Read Nov. 6, 1700. $1\frac{3}{4}$ *pp.* [*Board of Trade.* Leeward Islands, 7. *No.* 7; *and* 46. *pp.* 113–115.]

Oct. 22. Hampton Court.

861. Order of King in Council. Ratifying the Acts of Massachusetts Bay recommended by the Council of Trade, Oct. 9. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 6, 1700. $3\frac{1}{2}$ *pp.* [*Board of Trade.* New England, 11. *No.* 20 ; *and* 38. *pp.* 290-296.]

Oct. 22. Hampton Court.

862. Order of King in Council, repealing the five Acts of Massachusetts Bay, as advised by the Council of Trade and Plantations, Oct. 9. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 6, 1700. $1\frac{1}{4}$ *pp.* [*Board of Trade.* New England, 11. *No.* 22 ; *and* 38. *pp.* 297-299.]

Oct. 22. Hampton Court.

863. The two preceding Orders of King in Council (1) confirming Acts of Massachusetts Bay, Dec. 15, 1697—March 13, $\frac{1699}{1700}$. (2) disallowing five others. Published at Boston, May 15, 1701. 4 *printed pp.* [*Board of Trade.* Massachusetts Bay, 47. *pp.* 28-32.]

Oct. 22. Hampton Court.

864. Order of King in Council. Granting permission to Lord Bellomont to receive the sum of 1,000*l.* intended him as a present by the Act of Massachusetts. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Nov. 6, 1700. $\frac{3}{4}$ *p.* [*Board of Trade.* New England, 11. *No.* 21 ; *and* 38. *pp.* 296, 297.]

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Oct. 22. Hampton Court. **865**. Order of King in Council, repealing, in accordance with the representation of the Council of Trade and Plantations, Oct. 9, the Act of New Hampshire for punishing privateers and pirates. *Signed*, Edward Southwell. *Endorsed*, Reed. Read Nov. 6, 1700. ¾ *p.* [*Board of Trade.* New England, 11. *No.* 23; *and* 38. *pp.* 299, 300.]

Oct. 22. Hampton Court. **866**. Order of King in Council, approving the Act of New Hampshire and granting permission to Lord Bellomont to receive the 500*l.* intended him as a present thereby, in accordance with the representation of the Council of Trade and Plantations, Oct. 10 [*Oct.* 9]. *Signed*, Edward Southwell. *Endorsed*, Reed. Read Nov. 6, 1700. ¾ *p.* [*Board of Trade.* New England, 11. *No.* 24; *and* 38. *pp.* 300, 301.]

Oct. 22. **867**. Minutes of Council in Assembly of Barbados. Richd. Ryeraft, returned member of the Assembly for the parish of Christ Church, took the oaths appointed and signed the Test and Association. Richd. Brewster, returned for the parish of St. Philip's, was unable to attend through indisposition.

Upon reading the petition of Edmund Bedingfield, setting forth that he had been sworn Deputy Secretary before His Excelleney and this Board, but was not suffered to take possession of the office, and praying to be discharged or that no person should interfere with him in the said office, ordered that he be discharged accordingly.

The Assembly entering, Mr. Speaker presented His Excelleney with three Bills, viz., an Exeise Bill, a Bill to encourage the inhabitants to become owners of vessels, and the other for destroying wild monkeys and racoons. William Heysham was appointed one of the Committee of Public Accounts, in the room of the Honble. William Esq., who is gone off.

Oct. 23. The Excise Bill and Bill for destroying monkeys were read and referred to a Committee. [*Board of Trade.* Barbados, 65. *pp.* 548, 553.]

Oct. 22. **868**. Minutes of Assembly of Barbados. James Colleton chosen Speaker.

Bill for collecting the old arrears read and committed.

Bill for a present of 2,000*l.* to the Governor ordered.

Exeise Bill, Bill to encourage inhabitants to be owners of ships, and Bill for destroying monkeys, read and passed.

The Committee to consider of the Bill against forestallers brought in the Bill.

William Heysham moved that he may have leave to bring in a Bill appointing how differences between masters of ships and their sailors shall be heard and determined, which was granted.

And see preceding abstract under date.

Representation of the Honble. Judge Hooker was layd by to be considered in course.

Whereas His Excelleney hath acquainted this House that there hath been a false and scandalous report made of him in England

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that he hath invaded the rights and privileges of this House, and more particularly in undertaking the decision of Elections, which is both notorious and absolutely false, calumninous (*sic*) and scandalous, Resolved that a Declaration be drawn to clear His Excellency of that assertion, to be signed by all the Members of this House, and sent to the Agents in England. [*Board of Trade.* Barbados, 66. *pp.* 419, 420.]

Oct. 22. **869.** Minutes of Council of New York. 1*l.* 16*s.* paid to Bowdewyn de Widt for his journey from Esopus to Albany with packets for His Majesty's service.

Oct. 23. 15*l.* paid to John Riggs for guarding the pyrats and their treasure from Burlington to New York, the said journey having been very troublesome to him by reason of the soldiers' mutinying that were sent under his command, with an intent to seize the treasure and release the pyrats; and also for his journey to Philadelphia, to wait on the Governors of Virginia, Maryland and Pennsylvania and conduct them to New York.

Salary of Hendrick van Dyck, Chirurgion to the Companies at Albany, paid.

Oct. 24. 3*l.* paid to Francis Chappell for the use of a Committee-room.

Commission ordered for Samuel Clows to be a Surveyor in this Province.

Johannes Vinhagen, sent express to Albany, paid. [*Board of Trade.* New York, 72. *pp.* 371-373.]

Oct. 23. Whitehall. **870.** Wm. Popple to David Crawford, Deputy-Commissary-General of the Musters. Enclosing two muster-rolls of the Independent Company of Soldiers at Newfoundland. [*Board of Trade.* Newfoundland, 25. *p.* 397.]

Oct. 23. Whitehall. **871.** William Popple to Mr. Burchet. The Lords Commissioners for Trade and Plantations having understood that Lieut. Lilbourn, Commander of His Majesty's Company of Soldiers at Newfoundland, has been imprisoned by Capt. Fairborne, late Commodore in those parts, desire you to let them know what account has been given of that matter by Capt. Fairborne to the Lords Commissioners of the Admiralty. They desire you to inform them, if you can, who one Captain Holsworth, mentioned in that matter, is. (*See No.* 742.vii.) [*Board of Trade.* Newfoundland, 25. *p.* 396.]

Oct. 24. New York. **872.** Governor the Earl of Bellomont to the Council of Trade and Plantations. I did not think to trouble your Lordships by this frigat but that of the 17th, but there has happen'd an unlucky accident, which 'tis fit your Lordships should be made acquainted with. Samll. York, and the rest of the men that I sent to the Dowaganhas Indians, were stopp'd by some of our Five Nations between persuation and force. The occasion is this. The Dionondades or Jenondades Nation of Indians, who live next to the Dowaganhas, have made an infall on our Oneides, Onondages, and Synek Nations all at once, and killed several of

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them, which has so exasperated our Five Nations that they are now sending a good body of men detach'd from all the Nations to fall upon those Indians and take revenge of them. This news was brought me yesterday by Capt. John Schuÿler. I had directed Saml. York and the rest to call on some of the Five Nations, and take some of them to the Dowaganhas country; but it seems they refused, and bade these men return to Albany, unlesse they meant to be knock'd in the head by the French or their Indians. Several of the Albany people are now here, and they conjecture that the overture made by the Dowaganhas Indians to our Five Nations of coming to live near and in friendship with ours, as in the Conference I have sent your Lordships, was only a French stratagem to amuse our Indians, that, being lulled into a security, those Nations, falling upon ours, might do the greater execution. Our Indians, when I was at Albany, said they had lost 120 men since the Peace. At my coming hither, which was just at the end of the war, the number of fighting men in the Five Nations was reckon'd but 1,400 at most. I appeal to your Lordships whether the Five Nations can at this rate last many years and be a barriere between these Plantations and the French. 'Tis the French without all doubt that instigate those remote Nations to vex and destroy ours, as they do. Our Nations firmly believe it, and so do I; because the Governor of Canada told some of our Indians so, as your Lordships have been aequainted. We shall loose the Five Nations and all our American Plantations by our frugality; there's no care taken to fortifie Albany and Schencetade, either for our own security or for incouragement of Indians; so that truly I fear their dread of the French will make 'em revolt to 'em. If 7,000*l.* or 8,000*l.* sterling is to be put in ballance with our keeping these Plantations, then we had as good to make the French a complement of 'em, before they take 'em from us against our will, as most certainly they will do, if they kill part of our Indians and inveigle away the rest. This service is too pressing to stay for Col. Fletcher's debt to the King, which will require a law-suit. 'Tis fit he should be compell'd to refund the mony he has cheated the King of, but I hope there's other mony to answer necessary services. As to mine and the Council's proceeding in the cause between the widow Wandall and Alsop, which your Lordships find fault with, I took Mr. Graham the Attorney General's opinion in it. He cry'd out against Col. Fletcher's affirmation of a verdict and judgment obtained in Queen's County, as the most enormous injustice that had been done any time in this Province, and told me what marks of horror Col. Fletcher shew'd at the time of giving judgment, by trembling and growing pale. He put me upon that method of righting the Widdow, and truly I expected he would have been of Council for her, for so he told me; but he never wants a trick upon an occasion, and appear'd not at all at the hearing. Col. Smith, too, our Chief Justice, sate then at Council, and made no objection to the proceeding. I remember he told me that Mr. Emot, one of the lawyers here, observed to him that Col. Fletcher was in a great

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consternation when he gave judgment againt Mrs. Wandal, and that it was a foul judgment. Emot was of Council for Mrs. Wandal. Col. Smith, when I took the opinions of the Council, would not give his vote for either side, which I understood to be a tacit consent that the Widdow was in the right, but Mr. Nichols was Alsop's friend, for Nichols carries a great stroke with all that party. If I was in the wrong, 'twas more than I knew, and I wonder I have not made more slipps, considering what men are of Council for the King in this Province. I have receiv'd your Lordships' letter of Aug. 1, and will as well as I can comply with your directions. The recruits from Ireland are newly arriv'd this evening, after more than 13 weeks being on the voyage. The officer tells me they have been very unruly and mutinous, which I do not wonder at, for the owners of the vessel that brought 'em have not perform'd the Charter-party honestly; and the men have suffer'd great hardships. *Signed*, Bellomont. Mr. Stoughton, Lieut. Governor of Massachusets, writes to me this last post that the French are fortifying Port Royal, to the Eastward of the said Province. *Endorsed*, Reed. 9th Dec. Read 13 Jan., 1700. *Holograph.* 2½ *pp. Annexed*,

872. i. Abstract of preceding. 1½ *pp.* [*Board of Trade.* New York, 11. *Nos.* 8, 8.i.; *and*, (*without abstract*), 55. *pp.* 97-101; *and*, (*abstract with marginal comments*), 45. *pp.* 117, 118.]

Oct. 24. Whitehall.

873. Council of Trade and Plantations to Mr. Secretary Vernon. In pursuance of their Excellencies, the late Lords Justices' commands, Oct. 15, upon occasion of a letter from the French Ambassador to Mr. Blathwayt, relating to the Island of Sta. Lucia, we have prepared the inclosed deduction of His Majesty's title to the said Island, which we desire you to lay before His Majesty, as what we conceive will furnish matter for a full answer to the French Ambassador. We also further offer to your observation the inconsistency between the said Ambassador's pretence in this letter, *that the French have been many years in possession of the said Island*, and his asserting in a former memorial, communicated to us by the Rt. Honble. the Earl of Jersey in January last, that *the said Island having by antient treatys between England and France been destin'd for the habitation of the Indians, it had accordingly been agreed that no other settlement should be made upon it.* As for Mr. Grey, the difference of his conduct in this matter from what was done formerly seems to us to be chiefly in that he has applied himself in the first place to the Governor of the French Islands, which gives occasion to the present dispute; whereas other Governors of Barbados, without any such previous application, caused all foreigners, French and others, to be removed from off Sta. Lucia. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mt. Pryor. *Annexed*,

873. i. A deduction of His Majesty's title to the Island of Sta. Lucia in answer to the French Ambassador's letter of Oct. 16, 1700. A general discovery was made of all

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the Caribbee Islands by Sir Thomas Warner, 1626, who took possession of Sta. Lucia in particular, and left there one Major Judge as Governor. King Charles I. made a grant of all the said Islands to the Earle of Carlisle, 1627, who settled Sta. Lucia in 1635 and 1637, by English Colonies from Bermudas; in 1638 by a Colony from St. Christopher's, and in 1640, 1644 and 1645 by Colonies from Barbados. In 1663 the English from Barbados contracted with the Indians for the full and absolute purchase of Sta. Lucia, on valuable considerations, as appears by a deed of conveyance signed by Annawatta, the Babba, or Chief Governor, Thomas Warner, an Indian, and two others of that Nation by the consent and in the behalf of all their people. By virtue of this deed Francis, Lord Willoughby, Capt. General over all the Caribbee Islands, sent a regiment of foot from Barbados to Sta. Lucia, in 1664, under the command of Col. Carew, to whom the four Indian Princes or Captains above-mentioned gave and delivered by a solemn manner of turf and twigg, in behalf of themselves and the rest of of the Indian Proprietors all their right, title and interest to the said Island, and accordingly Col. Carew remained there as Deputy Governor. From that time Sta. Lucia has been reputed a dependance on the Government of Barbados, and as such has been constantly inserted in all Commissions and Instructions given to His Majesty's respective Governors; particularly the Lord William Willoughby was, 1666, directed to streighten, distress and dispossess any of His most Christian Majestie's subjects or others, who might offer to possess themselves of the said Island. The first pretension formed by the French to Sta. Lucia was in 1685, when, under colour of hunting, fishing and cutting wood for the use of Martinico, they built houses and made some small settlements there. Upon notice whereof, instructions were sent by the late King James to Col. Stede, then Lieut. Governor of Barbadoes, to cause all foreigners, unless they submitted themselves and acknowledged the King of England's sovereignty over that Island, to remove from thence, and on this and all occasions to renew His Majesty's claim and possession. In pursuance of these orders, Col. Stede in July, 1686, sent Capt. Temple, Commander of one of His Majesty's frigats, to Sta. Lucia, where he immediately summoned such of the French as could be found upon the Island, and in their presence published His Majesty's title to the Island by a solemn Proclamation; and erected in the chief ports the arms of England as an ensign of His Majesty's sovereignty over yt Island; caused all the French inhabitants to be transported to Martinico, and writt a letter to the French Governor

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there, Count de Blennac, giving him notice of what he had done; requiring him withall not to suffer any within his Government to cutt wood, plant, fish or hunt in or about the Island of Sta. Lucia, without leave first obtained from His Majesty's Governor of Barbados. Count Blennac complained of these proceedings, but the effect of the memoires presented by the French Ambassador here upon that subject was, that the late King thought fit again to assert his title, and Capt. Temple was commissionated a second time to drive off from Sta. Lucia such forreigners as he should find there, to demolish their houses, and to destroy their settlements, which he accordingly executed, and was actually in possession of the said Island in the beginning of Nov., 1686, and at the very time when there was concluded at Whitehall, the Treaty of Peace and Neutrality, by the 4th Article whereof 'twas agreed that both Kings should have and retain all they then possessed in America. Capt. Temple staid on Sta. Lucia with a fleet of merchant-men, who were cutting wood, till the middle of Jan. following, and no French vessells were suffered to arrive there. In March $168\frac{6}{7}$, Col. Stede published the said Articles of Neutrality in Sta. Lucia, as a dependance on his Government, and caused his said Majesties Arms to be affixed in the most eminent places there, as a fresh assertion of His sovereignty. In March, $168\frac{7}{8}$, some French being crept once more into the Island, Capt. Wren disturbed their settlements, and again asserted the ancient right of the Crown of England. In June, 1699, Col. Grey, His Majesty's Governor of Barbadoes, had notice that some French were observ'd to inhabit the said Island, and had employed negroes in order to a settlement, whereupon His Majesty was pleased to renew the Order formerly sent to Col. Stede, directing the present Governor to pursue the same, by giving notice to the French or any other foreigners, who are settled, or may hereafter pretend to settle there, that, unless they remove from off that Island, and discontinue their settlement, he should dispossess them by force, and send 'em off the said Island.

From all which it is evident that His Majesty has an entire right of sovereignty over the Island of Sta. Lucia, by all the grounds and titles whereby property can either be acquired or preserved; vizt. by first discovery in 1626, by so frequent settlements as amount to constant possession; by purchase from the natives; by having preserved the English title to this Island, expressly and by name, without interruption in all Patents and Commissions; by having at several times vindicated and asserted that title by force of armes, driving away all foreigners, as often as they

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pretended to make settlements there without leave; by solemn proclamation and ensigns of soveraignty, and by actual possession, confirmed to the English by the Treaty of 1686, from which there has been no change or derogation made by any subsequent Treaty. [*Board of Trade.* Barbados, 45. *pp.* 115-123.]

Oct. 24. **874**. Minutes of Council in Assembly of New York. Bills, for punishing officers and souldiers, who shall mutiny or desert His Majesty's service, and to prevent their being harboured and concealed; and to encourage the seizing and securing of deserters, and for appointing Commissioners to examine and state the Publick Accounts, sent up, were read the first and second times and committed. A Bill to prevent oppression, sent up, was read the first and second times, and committed.

Col. Stephen Cortlandt, Chairman of the Committee to whom several Bills were referred, reported that they were of opinion that the Bill for preventing vexations and oppressions through chargeable and oppressive proceedings in the Supreme Court should be deferred until the arrival of the Chief Justice and Attorney General daily expected from England; that the Act for the better payment of the Representatives is of no more force or validity than the Act formerly passed for the same purpose, and that the Representatives would not, by the passing the said Act, be secured of their salary more than by the former, but they are of opinion that a Bill ought to be brought in for the effectual securing a dayly salary of 6*s.* to each Representative. They proposed an amendment in the Act for encouraging brewing. As to the Bill for declaring Eastchester a distinct parish from Westchester, they desired His Excellency to inspect his Commission and Instructions to see if nothing therein mentioned is an infringement of the prerogative royal. This report was approved.

Oct. 25. Bill for punishing mutineers, etc., with amendments proposed by the Committee, was read the third time, passed and sent down. Bills for encouraging seamen, and for vacating all patents, lately granted and fraudulently obtained from the late Governor, of land on a place called Cowneck, sent up.

Bill for punishing mutineers, etc., sent up passed with amendments, was read and passed and received His Excellency's consent. [*Board of Trade.* New York, 72. *pp.* 847-851.]

Oct. 24. **875**. Journal of Council of Trade and Plantations. Letter from Lord Bellomont, July 26 and 31, read, together with all the enclosures. Upon what his Lordship writes about the want of ministers to instruct our Indians, etc., letters ordered to the Archbishop of Canterbury and Bishop of London. The Earl of Stamford was also pleased to offer his own endeavours to get a meeting of the Corporation for Evangelizing of Indians, in order to the procuring from them some assistance for the better promoting of that work amongst our Five Nations on the frontiers of New York. And upon what his Lordship writes about the practices of the French amongst our Indians, a letter to Mr. Secretary Vernon was ordered.

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Letter to Mr. Secretary Vernon, to accompany the deduction of His Majesty's title to Sta. Lucia, signed.

Oct. 25. Letter from Mr. Homrigh, Sept. 30, read. Copy ordered to be sent to Lord Bellomont.

Letters, ordered yesterday, signed.

Lord Bellomont's letters, July 15, 26 and 31 considered, and directions given for preparing an answer. [*Board of Trade.* Journal, 13. *pp.* 218-223; *and* 97. *Nos.* 190, 191.]

Oct. 24. College of William and Mary. **876.** Minutes of Council of Virginia. His Excellency laid before the Council the Lord Vernon's letter, which was read. His Excellency being much indisposed, and being late at night, the Council adjourned.

Oct. 25. At Mr. Commissary Blaire's. The Burgesses, summoned to attend His Excellency in the General Court House, addressed His Excellency through Lt. Col. William Leigh. "Yesterday there were but 19, and to-day but 23 who were members of the late prorogued Assembly that appeared."

A Proclamation was ordered dissolving the Assembly and writts were ordered to call a General Assembly to meet at the Royal College of William and Mary, Dec. 5th.

His Excellency laid before the Council a letter from the Admiralty, June 21, about passes, etc.

Geo. Luke, appointed Collector of the Lower District of James River, ordered to take the oaths, etc., before His Excellency.

Whereas several French Refugees have lately (Oct. 20) arrived at James City, with design to go up to Mannikin Town, whither several French are already gone, His Excellency and the Hon. Council, considering their poverty and disability and ignorance in the customs and affairs of this Colony, and that they are destitute of all means of support, and being unanimously of opinion that it will be most for their advantage to disperse themselves, granted them licence so to disperse throughout the country till next fall, at which time further care may be taken therein.

Proclamation dissolving the Assembly and writs for new Elections signed. There being no ships now in the country upon departure for England, all other matters were referred till Dec. 3, at which time an audit was appointed.

Oct. 26. Order for Rangers to be continued in Stafford county.

Lt. Col. William Wilson ordered to examine the papers of Peter Heyman, late Collector, and to deliver them to Geo. Luke. [*Board of Trade.* Virginia, 55. *pp.* 31-38.]

Oct. 25. Whitehall. **877.** Council of Trade and Plantations to Mr. Secretary Vernon. Having lately received a letter from the Earle of Bellomont, of the 26th and 31st July, wherein he continues to give some further account, than what we have yet represented to His Majesty or the late Lords Justices, of the unfair practices of the French of Canada in seducing our Five Nations of Indians on the frontiers of New York, and in destroying such of them as would not be perverted, we send you the inclosed extracts of his Lordship's letter and of two papers therewith transmitted.

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Whereupon we humbly offer our opinion to His Majesty that orders be procured from the French Court to the Governor of Canada, that a stop be put to such undue practices, directly contrary to the late agreement with that Court. *Signed*, Stamford, Wm. Blathwayt, Jon. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *P.S.*—We judge it convenient that in any application to be made to the French, there be no mention made of the particular Indian or Nation of Indians, from whence this information comes, lest it should draw upon them the resentment of the French. [*Board of Trade.* New York, 55. *p.* 1; *and*, (*rough draft*), 44*a*. *No.* 53.]

Oct. 25. Whitehall. **878.** Council of Trade and Plantations to the Archbishop of Canterbury. The Earle of Bellomont having several times represented to us the great want of some Ministers of the Church of England to instruct our Five Nations of Indians on the frontiers of New York, and prevent them being practised upon by French Priests and Jesuits, who are conversant amongst them, and very industrious in perswading them by pretences of Religion to espouse the French interest; we have thereupon represented to their Excellencies the Lords Justices our humble opinion that, if a fund can be found for the maintenance of such Ministers, they may be of very great use and service, as well for the propagation of the Reformed Religion, as for improving the interest of England. We have also lately received from his Lordship some further advice upon the same subject, of which we send your Grace the inclosed extract, desiring your Grace would be pleased to consider of the most speedy and effectual means for the promoting of so good a work. *Signed*, Stamford, W. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *P.S.*—We have recommended the same thing to ye Lord Bishop of London. [*Board of Trade.* New York, 55. *pp.* 2, 3; *and*, (*rough draft*), 44*a*. *No.* 54.]

Oct. 25. **879.** Minutes of Council of New York. His Excellency communicated to the Board His Majesty's Additional Instruction, May 31, 1700 (*q.v.*)

Payment of carpenters for fitting up the barracks in Fort William Henry ordered.

Samuel Clows was sworn a Surveyor.

Oct. 26. His Excellency acquaints the Council that there is a great want of a Recorder for the City of New York, by reason of Mr. Graham's indisposition or non-appearance to officiate as Recorder, and there being great disorders at this time for want of the Common Council's meeting, who cannot regularly meet without a Recorder, and Mr. Clarkson, Secretary, having declared that Mr. Graham's Commission as Recorder was not upon record, but that he understood that his Commission had been privately obtained, His Excellency declares to the Council, that finding there is an absolute necessity of appointing another Recorder for the present management of the publick business of the City, and the rather because he conceives Mr. Graham's Commission,

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if he have any, is illegal, as being surreptitiously obtained and not recorded, he thinks fit to appoint Abraham Gouverneur, at present Speaker of the House of Representatives, to be Recorder of the City of New York, who was sworn accordingly. [*Board of Trade.* New York, 72. *pp.* 373-376.]

Oct. 28. N. York. **880.** Governor the Earl of Bellomont to the Council of Trade and Plantations. The recruits that came from Ireland are a parcel of the vilest fellows that ever wore the King's livery, the very scum of the army in Ireland, and severall Irish Papists among 'em, who have stirr'd up a generall mutiny among the souldiers, and had they had the brains to have manag'd their villany with any sort of discretion and cunning, they would have puzzled us mightily to reduce them; but instead of mutinying within the Fort, as they might have done, they did it without the Fort, which gave us an advantage of 'em. I had directed the Lieut. Governor to draw 'em all up (the new and the old) near the Fort to read an Act to 'em, which we passed this session to punish mutineers and deserters, and to detach afterwards some of the men to Albany to incorporate with those Companies that are there, but when he propos'd it to 'em, they swore they would not stir till they were assur'd of full sterling pay and sea pay during their voyage, they cry'd one and all, and swore they would die rather than yield till they were satisfied in all their demands. The recruits from Ireland landed here on Saturday last, and that night they made a strange disorder in the town and wounded several of the inhabitants. I have three fourths of the soldiers prisoners, and will try some of 'em to-morrow, and I am apt to believe we shall hang or shoot ten or a dousin of 'em. I made use of one slight, which gave me the advantage of the mutineers; I sent to the Burghers to come into the Fort without arms, and a few at a time; and in a very little time I had near 500 men, whom I arm'd out of our store, and then the soldiers submitted at discretion.

I must needs say all the townsmen and marchands of all parties have been very unanimous this day in shewing their zeal to suppress the mutiny. The contrary weather has staid the *Newport* frigat these three or four days past, and I have prevailed with Capt. Morrice to stay this day, that I might have an opportunity of acquainting your Lordships with this ill accident. *Signed,* Bellomont. *Endorsed,* Reed. Dec. 9. Read Jan. 13, 1700. *Holograph.* 1 *p. Annexed,*

880. i. Abstract of preceding. 1 *p.* [*Board of Trade.* New York, 11. *Nos.* 9, 9.i.; *and,* (*without abstract*), 55. *pp.* 102, 103; *and,* (*abstract only*), 45. *p.* 119.]

Oct. 28. New York. **881.** Governor the Earl of Bellomont to Mr. Secretary Vernon. The enclosed copie of my letter to the Council of Trade will inform you of a generall mutiny of all our soldiers this day, which we have happily quash'd without any mischief, but it will be necessary to bring the principall mutineers to justice, which I shall take care to do. *Signed,* Bellomont. *Endorsed,* R., 9th Dec., 1700. 1 *p. Enclosed,*

1700.

881. i. Copy of Lord Bellomont's letter to the Council of Trade and Plantations. Oct. 28, 1700. 1 *p.* [*America and West Indies.* New York, 580. *Nos.* 31, 31.i.]

Oct. 28. New York. **882.** Governor the Earl of Bellomont to Mr. Blathwayt. I have had the favour of your letter of June 15, with the establishment of these four Companies enclosed, and that by Lt. Ashfield, one of the Lieutenants come from Ireland with the recruits. Several of them run away before they could be put on board the ship, so that there came but 128 men hither. They arriv'd here the 24 inst. after a tedious passage and very ill usage in their sea provisions by the owners. The soldiers had like to have thrown their officers and the master of the vessell overboard. They are strange, unruly men, and have committed great disorders in this town for which we have put several of 'em in irons. I send over four old, disabled solders, and desire you will please to order their being put into an hospital, or some other care taken of them. 'Tis pity that men who have serv'd the King faithfully and so long a time as they have done, should starve. We have no such thing as an hospitall here, and this country is very dear to live in unless men have trades. *Signed*, Bellomont. *Endorsed*, Communicated to the Board by Mr. Blathwayt. Recd. 10th Dec. Read Jan. 13, 1700. *Copy.* 1¼ *pp.* [*Board of Trade.* New York, 11. *No.* 10.]

Oct. 28 **883.** Minutes of Council of the Massachusetts Bay. The Lieut. Governor communicated to the Board the Letter of the Council for Trade and Plantations, Aug. 1, 1700, and the Order of the Lords Justices, July 18, 1700; as also a proposal made by the five Sagamores of the Onnagongues or Eastern Indians to the Five Nations to come into the same Covenant Chain with them and to renounce the French, with the answer of the Five Nations, which proposal and answer were sent to Lord Bellomont.

Various accounts referred to be examined. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 18, 19.]

Oct. 28. **884.** Minutes of Council in Assembly of New York. Adjourned till Tuesday.

Oct. 29. Bill for encouraging seamen was read the first and second times and committed.

Bill for encouraging brewing read the third time, passed with amendments and sent down.

Bill for making the Town of Eastchester a distinct parish, read the third time, with amendments, and sent down.

Bill, repealing the Act for the better securing the Five Nations and for 1,000*l.* to be raised for building a fort, was sent up, read the first and second times, and committed.

Oct. 30. The last mentioned Bill, and the Bill for appointing Commissioners to state the public accounts, were read the third time with amendments, passed and sent down.

Bill for encouraging seamen was read the third time and passed.

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Bills, for encouraging brewing and declaring Eastchester a distinct parish from Westchester, sent up and passed. [*Board of Trade.* New York, 72. *pp.* 851-856.]

Oct. 28. **885.** Journal of Council of Trade and Plantations. Draught of a letter to Lord Bellomont agreed upon.

Oct. 29. Mr. Crown desiring their Lordships' favour in dispatching a report upon Lord Jersey's letter of June 17, relating to his title to Penobscot, the same was read, together with the deduction of his title received from him in August, and their Lordships shewing him some contradiction between this deduction and the papers he has formerly laid before this Board, in relation to the boundaries of Nova Scotia, he promised to draw another memorial, and therein to set forth those boundaries more exactly.

Mr. Bradshaw attending the Board, on occasion of the intelligence lately received relating to Capt. Munday, and the seizure of some of his men in Maryland, and declaring that, since the death of Mr. Petit, formerly an owner of Capt. Munday's ship, he had been no further employed in that matter, he was desired to give notice to the other owners of the said ship to attend on Thursday.

Col. Jory delivered to the Board some Acts of the General Assembly of Nevis, past by Col. Fox, April 13, June 1st and July 24th, which their Lordships resolved to take into consideration with the Acts of the other Leeward Islands past by Col. Fox, in some convenient opportunity.

The Acts of Barbados, May 18, 1697—Oct. 17, 1699, were now received from Mr. Bridges, together with Mr. Attorney General's report thereupon, and it being observed that there remain yet other Acts of Barbadoes in Mr. Attorney General's hands, ordered that Mr. Bridges be desired to procure his reports upon them also, as soon as possible. [*Board of Trade.* Journal, 13. *pp.* 223-226; *and* 97. *Nos.* 192, 193.]

Oct. 29. Barbadoes. **886.** Governor Grey to the Council of Trade and Plantations. I enclose Minutes and Accounts, which is all that offers since my last. *Signed*, R. Grey. *Endorsed*, Recd. Dec. 21, Read Jan. 14, 1700. ½ *p. Enclosed*,

886. i. Memorandum of ships cleared in Barbadoes, March 25–June 24, 1700. ¼ *p.*

886. ii. Account of stores in the magazine, Aug. 22, 1700. *Signed*, George Peers. *Endorsed*, Recd. Dec. 21, 1700. 2 *long slips.*

886. iii. Memorandum of Minutes of Council, May 7–Oct. 23, 1700. ¼ *p.*

886. iv. Memorandum of Minutes of General Assembly, April 17th, 1700. ¼ *p.*

886. v. Memorandum of an Act for Remission of Fines, *Sept.* 4, 1700. ¼ *p.* [*Board of Trade.* Barbados, 8. *Nos.* 71, 71.i.-vi.; *and* (*without enclosures*), 45. *pp.* 214, 215.]

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Oct. 29. **887.** Sir Henry Ashhurst to William Popple. In my returne from Exeter last night, I found yours of the 9th, which comands me to send you a draught of a charter, which I send you per this bearer, and it shall not be many days before I waite one you myself in the towne. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. 1st. Read Nov. 19, 1700. *Addressed*, For the Honble. William Popple, Esq., att the office of the Commissioners of Trade at the Cockpitt, neer White Hall. *Sealed.* 1 *p. Enclosed,*

887. i. Draught of a Charter for Incorporating Harvard Colledge at Cambridge in N. England, agreed by ye Council and Assembly of the Massachusetts Bay to be solicited for to His Majesty. *Signed*, Is^a^. Addington. Secy. July 12, 1700. $6\frac{3}{4}$ *pp.* [*Board of Trade.* New England, 11. *Nos.* 25, 25.i.; *and*, (*without covering letter*), 38. *pp.* 303–314.]

Oct. 29. **888.** Minutes of Council of New York. His Excellency was granted leave to accept for his own private use two hogsheads of claret, brought as a present to him by M. ——, the French Advocate General of Petit Gnavas.

Various salaries paid.

Oct. 30. Col. Stephen Cortlandt was sworn Chief Justice of the Province.

A court-martial was erected and the judges and officers sworn.

Oct. 31. 2*l.* paid to Gabriel Ludlow for copying papers for His Excellency. Mr. Bradford, the printer, having wholly for these four months past neglected his duty in printing the proclamations and conferences with the Indians, His Excellency displaced him. He was debarred his salary, from June 25, and 3*l.* 12*s.* paid to Abraham Governeur for copying the said conferences. [*Board of Trade.* New York, 72. *pp.* 376–379.]

Oct. 30. Whitehall. **889.** Extract of a letter from the Council of Trade and Plantations to Governor the Earl of Bellomont. We have received your letters of July 15, 16, 26 and 31. The address of the General Assembly of the Massachusetts Bay to His Majesty, received with the first, shall be laid before His Majesty with a Representation which we intend to prepare upon the same matters. What has hindered us hitherto is the want of a draught of the Charter for Harvard Colledge, and such other informations as we expected to receive from Sir Henry Ashhurst in pursuance of your directions. We have written to him, but received no answer. As to the boundaries, we have always insisted and shall insist upon the English right as far as the River Sta. Croix. But in the meanwhile, in relation to the incroachments of the French and their building a Church upon Kenebeck River, that seems to us a very proper occasion for your Lordship's urging the General Assembly of the Massachusetts Bay to rebuild the fort at Pemaquid, which they ought to have done long agoe, and thereby they might have prevented this and many other inconveniencys. The alarm they have had from the Indians is also another argument to make them think seriously of that matter,

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and they ought to be pressed to it with all possible earnestness. The Acts that you have sent us of the Massachusetts Bay, past there the 29th of May last, are not under seal, but we suppose we shall ere long receive an authentick copy thereof, as we have done others formerly from Mr. Addington, and then they shall be considered. As to your Lordship's appointments for your several Governments, you will already have perceived what we have done by the copies of two Representations sent you in our letter of June 22; the consideration whereof we understand lies yet before the Lords of the Treasury. The ship with timber from New Hampshire, for which Mr. Partridge entered into bond that she should come for England, being accordingly arrived in Torbay, the merchants concerned therein made application and great complaint to us about that matter, and we finding thereby that this happens to be the same ship concerning which His Majesty by Order in Council, May 9 last, had directed that she should be permitted to proceed on her voyage to Portugal, we accordingly represented to their Excellencies our opinion thereupon, and send your Lordship also a copy thereof here inclosed. However, as to this trade of timber from the Plantations to foreign parts, we shall take occasion further to consider of it. The Representations that we were preparing upon the Acts of the General Assemblies of the Massachusetts Bay and New Hampshire having been laid before their Excellencies, we send you copies thereof here enclosed, to which we refer ourselves for the reasons of what we have therein offered, and when we receive orders thereupon, they shall also be transmitted to you that they may be observed. In relation to those Acts, we send you also herewith a copy of some remarks that we have made upon divers of them, which we think very proper to be observed by the General Assembly of the Massachusetts Bay upon all like occasions. Mr. Hillary Rencu, a member of the Lustring Company, who has had many occasions to apply to us in behalf of that Company, has lately communicated to us the copy of a letter he writ to your Lordship, March 6, $169\frac{8}{9}$, relating to Lustrings and Alamodes unlawfully imported into New England, which letter he says was delivered to your own hands; and he has further desired us to recommend the matters he writes about to your Lordship's care. Tho' we cannot advise your Lordship to those particular methods which he suggests, because the Act upon which he grounds his desire is not in force in New England, as he supposes it to be, yet the Act of the 15th of Charles II., forbidding that any commodity of the growth, production or manufacture of Europe be imported into any of His Majesty's Plantations but what shall be *bonâ fide* and without fraud shipped in England, Wales or the town of Berwick *etc.*, being a sufficient authority for stopping of that indirect trade, we think your Lordship will do very well to discourage it by all legal means, and more especially by charging the officers of the Customs that they be very vigilant in the discharge of their duty in that particular.

We desire your Lordship, as we shall do the Governors of all His Majesty's other Plantations respectively, that a memorandum be entered upon the Council Books of all your Governments,

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to caution them that, whenever any of those Governments by the death, absence or removal of a Governor or Lieutenant Governor, immediately commissioned by His Majesty, comes to devolve upon a President and the Council of any of those Plantations or Governments, such a President and Council do forbeare to pass any Acts, but such as are immediately necessary for the peace and welfare of any the respective Governments, without His Majesty's express order for that purpose. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Mat. Prior. [*Board of Trade.* New England, 38. *pp.* 275-280; *and*, (*rough draft*), 44A. *No.* 55.]

Oct. 30. Whitehall. **890.** Council of Trade and Plantations to Governor the Earl of Bellomont. *Repeats preceding, with the following additions :* Your Lordship will have seen by several of our former letters what wee have also done in promoting your desire that a Judge and Attorney General may be sent from hence ; and we now intend to represent to His Majesty what you write about the want of an able Secretary for the Province of New York ; but in the meanwhile we conceive you may take care that the clerks imploy'd by the Secretary be such as are capable of the business, and fit to be intrusted with the Papers of his Office ; and as for all other officers in civil imployment not fitly qualified, we know no more proper remedy than that, where it lies in your power, you put others better qualified in their places.

We have considered all the papers received with the last of your forementioned letters relating to the Indians, and tho' wee hope the care already taken here upon the first intimation of an insurrection designed by them or others and the arrival accordingly of the recruits, cloathing, presents, money *etc.*, at New Yorke, will long ere this time by your Lordship's good management have altered the state of those affairs, yet we have now made a farther use of those papers, by sending extracts of what relates to the want of Ministers to the Archbishop of Canterbury and Bishop of London, that they may take it into consideration, and are also at the same time taking what care we can otherwise, that something may be effectually done therein ; we have likewise sent extracts of what relates to the practices of the French amongst our Indians to Mr. Secretary Vernon to be laid before His Majesty, that orders may be procured from the French Court for the preventing of such like practices for the future.

Among the aforesaid papers there are some signed by Mr. Livingston, as Secretary of the Indian affairs : this puts us in mind of what your Lordship informed us July 8, 1699, about his behaviour, upon occasion of Kid's arrival at Boston, in imbezling the goods brought in by Kid, and pressing to be discharged from his own bond ; and as these things were then displeasing to your Lordship, and seemed to give you suspicion of his guilt, it is fit wee should know what proof has since been given of his innocency, that he should be continued in the Council and other publick imployment. Your Lordship will have perceived by our letter of April 11th last, that what you write about the cutting off of

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27 months' pay and subsistence from the soldiers, is a mistake. There has not any, either pay or subsistence, been cut off; but the Parliament having taken upon themselves to provide for the arrears of His Majesty's Forces in all parts of the world, to the 25th March, 1699, the pay and subsistence of the two companies in New Yorke are assigned on the forfeitures of Ireland in like manner as the pay and subsistence of all the rest of the forces. Nor could any other provision be possibly made for them, His Majesty having no other fund for it. As for the reduction of the four Companies in New Yorke to 200 men, it was done upon your Lordship's information, that there were but 180 effective men of those Companys in being; and by the present establishment they have been made up 400, as soon as His Majesty was enabled to do it. We pray your Lordship therefore to have a more favourable opinion of those that have the honour to approach the King, then to impute unto them the having given His Majesty any ill advice in these matters. We neither know any person that has done it, nor do the things themselves appear to be the effect of any such advice.

In our last letter wee told your Lordship that wee had then under consideration the whole scheme of what you had writ us at several times relating to the production of Naval Stores in the Province of New York, and the security of those frontiers, as also what you had writ about the waste committed in the woods of New Hampshire and the Eastern parts of New England. We have accordingly laid two Representations upon those subjects before their Excellencys the late Lords Justices, whereof we send you copys, and when any orders are made thereon, we shall send them also for your direction.

The enclosed copy of a letter from Mr. Homrigh to Mr. Blathwayt (No. 804) shows your Lordship the last account we have of the recruits from Ireland. *Signed, as preceding. P.S.*—We desire your Lordship to be mindful of H.M. Instruction for sending home yearly accounts of the arms, ammunition and stores remaining in all His Majesty's magazeens and garrisons in the several Provinces under your Government, and to take care that those accounts be regularly transmitted, as His Majesty has directed. [*Board of Trade.* New York, 55. *pp.* 4–12.]

Oct. 30. **891**. Remarks [? by the Council of Trade and Plantations] upon some Acts past in the General Assembly of the Massachusetts Bay, Dec. 15, 1697–March 13, $\frac{1699}{1700}$, which ought to be observed in all future occasions of the like nature.

(1) *An Act prohibiting the exportation of money and bullion. Expired.* This Act ought not to be revived, nor any other such Act made without a clause for permitting money and bullion to be brought to England.

(2) *An Act for granting unto His Majesty several duties of import, excise and tunnage of shipping. Expired.* The exemption of ships belonging to the Province from payment of the powder duty is too partial; and that, together with the exemption of sloops or other vessels under 12 tons, makes that duty lie in a manner singly upon ships belonging to England, which ought not to be allowed.

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(3) *An Act for discontinuing the duties of impost granted at the General Assembly, May* 25, 1698, *and for granting others instead. Expired.* In this Act there wants a clause for the powder duty, which is fit to be continued, but not so partially as in the former Act.

(4) *An Act for giving necessary supplies to the Eastern Indians, and for regulating the Trade with them. Expired.* This Act prohibits all but the Truck Masters from trading with the Indians, which seems to be a hardship. We desire to know what has been the effect of this Act, and whether there have not been complaints against it.

(5) *An Act to enable Samuel Searle and Jonathan Tyng to sell a house and land in Boston. Approved.* In this Act there wants a clause for saving the rights of all persons as usual in such Acts of Parliament in England, which ought not to be omitted in private Acts of this kind.

(6) *An Act to prevent the deserting of the frontiers of this Province. Expired.* This Act seems to lay a great hardship upon the inhabitants of the frontiers ; they ought rather to be assisted and encouraged by building of forts and otherwise.

(7) *An Act to impower Joan Papillio to sell land. Approved.* Wants the same clause as No. 5.

Memorandum. All persons concerned in private Acts should take care to have correspondents here in England instructed to answer such queries as may be made relating thereunto, and to attend H.M. Attorney or Solicitor General for their opinion upon such Acts in point of law. The want thereof has been the occasion that there are now four private Acts remaining in Mr. Solicitor's hands not reported upon ; and there is also the same necessity of an Agent for the Province in respect of all Public Acts, as likewise in respect of many other public affairs that frequently occur. [*Board of Trade.* New England, 38. *pp.* 281–283.]

Oct. 30. Whitehall. **892.** Journal of Council of Trade and Plantations. Letter to Lord Bellomont signed.

Copy of the trial between Jeremiah Basse and others *v.* the Earl of Bellomont, about the *Hester*, received and laid before the Board.

Oct. 31. Letter from Sir William Beeston to the Secretary, Aug. 2, read, and the papers therein referr'd to laid before the Board.

Letter from Mr. Addington to the Secretary, Aug. 13, read, and the papers therewith transmitted laid before the Board. Ordered that the Acts of the Massachusetts Bay, May 29, 1700, be sent to Mr. Sollicitor General.

Their Lordships, taking into consideration the papers lately received from Col. Blakiston relating to Capt. Munday and his mate Gellibrand, who has been lately sent over prisoner from Maryland, directions were given to the Secretary to send a copy of Col. Blakiston's information to the Treasury, and to acquaint the Ordnance Office with what guns were seized aboard the said Munday.

Mr. John Witchcot and Mr. Munday, brother to Capt. Munday, owners of the *John* (? *and*) *Hopewell*, with Mr. Bradshaw, the Sollicitor, attending, in answer to questions, replied that the

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reason of Capt. Munday's writing his first information against Gellibrand was his being imposed upon by one of the pirates' men, who, deserting the pirates, came to the said Munday and told him Gillibrand had voluntarily joyned with the pirates. But now they were so far convinced of Gillibrand's innocence, he having done considerable service in seizing the said pirates' ship, that they design'd to put him a mate of their own ship again, and were willing to be bail for him, and promised to attend Mr. Secretary Vernon thereupon. Mr. Gillibrand, uncle of the mate Gillibrand, attending also, delivered a state of his nephew's case, which was read, as also some papers from Mr. Secretary Vernon, chiefly duplicates of those lately received from Col. Blakiston. Copies of Capt. Munday's bond for appearing before His Majesty in Council upon his arrival in England, and of Col. Blakiston's warrant to Capt. Burbridg for bringing Gillibrand to England ordered to be kept. A letter was then writ by the Board to Mr. Secretary Vernon declaring that, by what appears to their Lordships, they do not believe Gellibrand to be criminal. [*Board of Trade.* Journal, 13. *pp.* 226–231; *and* 97. *Nos.* 194, 195.]

Oct. 31. Whitehall. **893**. Council of Trade and Plantations to Mr. Secretary Vernon. We do herewith return you the papers you were pleased to send us relating to Nicholas Gellebrand, having copies of the same, and having examined the papers and heard the owners who have not been able to justify their first information. We believe Gellebrand is not a criminal, but on the contrary. The owners offer to be his bail and will attend you to that end. *Signed*, Stamford, Wm. Blathwayt, John Pollexfen, Abr. Hill, Math. Prior. [*Board of Trade.* Maryland, 9. *pp.* 554, 555.]

Oct. 31. **894**. Case of Nicholas Gellibrand, mate of the *John Hopewell*. *Repeats previous accounts of the seizure of Munday's ship.* The pirates violently detained Gellibrand, who seized their sloop at Annibo. *Endorsed*, Recd. Read Oct. 31, 1700. 1 *p.* [*Board of Trade.* Maryland, 4. *No.* 13.]

Oct. 31. City of Williamsburgh. **895**. Minutes of Council of Virginia. Geo. Luke was sworn Collector of the lower district of James River. [*Board of Trade.* Virginia, 55. *p.* 38.]

Nov. 1. Whitehall. **896**. William Popple to Sir John Hawles. Enclosing for his opinion in point of law the Acts of the General Assembly of Massachusetts Bay, May 29, 1700. *Enumerated.* [*Board of Trade.* New England, 38. *pp.* 286, 287.]

Nov. 1. Whitehall. **897**. William Popple to Mr. Phelps. The Council of Trade and Plantations command me to give you notice, for the information of the Master General of H.M. Ordnance, that they are informed by Gov. Blakiston (Aug. 6), that amongst other things seized by him on board the *John Hopewell*, taken by Munday from King, a pirate, were six guns with carriages, and nine other great ones. [*Board of Trade.* Maryland, 9. *p.* 556.]

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Nov. 1. Whitehall **898.** William Popple to Mr. Lownds, enclosing copy of Col. Blakiston's deposition (Aug. 6) and account of guns, etc., which he wrote had been seized on board Munday. [*Board of Trade.* Maryland, 9. *pp.* 557, 558.]

Nov. 1. **899.** Bishop of London to the Council of Trade and Plantations. I am very sensible of the just care the Earl of Bellomont has expressed for ye conversion of the Five Nations, and I wish with all my heart that I had five Apostles for them. I will make it my business to find out fit persons for ye work, when I can know how they shall subsist. It was a great unhappiness that Dne. Dellius fell under his Lordship's displeasure, for he was ye only man that understood how to converse with ye Mohocks, to whom he had converted several to a sincere embracing of ye Christian faith, and had caused such an interest in them as proved of great service and security to ye whole Colony. But he is banished. I would humbly suggest that, since there is so much need of emissaries, his Lordship, if his Commission does not already impower him, might have a new one to call ye gentlemen of New England to an account, how they have bestowed that considerable yearly revenue, which was given for this very purpose from their first planting. *Signed*, H. London. *Endorsed*, Recd. Read Nov. 7, 1700. 1 *p.* [*Board of Trade.* New York, 10. *No.* 32; *and* 55. *p.* 13.]

Nov. 1. **900.** Journal of Council of Trade and Plantations. The Attorney General's report upon the Acts of Barbadoes, May 18, -Nov. 3, 1697, and Nov. 4, 1698-May 26, 1699, read. The Acts considered. Mr. Brenton was granted a copy of the state of the case delivered by Commissioners from Connecticut to the Earl of Bellomont in Sept. 1699, relating to their difference with Rhode Island about the Government of the Narraganset Country. [*Board of Trade.* Journal, 13. *p.* 232; *and* 97. *No.* 196.]

Nov. 1. **901.** Minutes of Council in Assembly of New York. Bills, for the confirmation of a certain agreement between Thomas Swartwout & Co. and Gerrit Aertsen & Co., and for settling and mending the highways and byways in Ulster County, sent up, were laid before the Board.

Bills for repealing an Act for the better securing the Five Nations, and for appointing Commissioners of Accounts amended, read and passed.

Nov. 2. The House of Representatives attending, His Excellency signed and enacted Bills (1) for encouraging the brewing of beer and making of malt in this province; (2) for appointing and enabling Commissioners to examine, take and state the public accounts; (3) declaring the town of Eastchester in the County of Westchester a distinct parish from the town of Westchester; (4) repealing the Act for the better securing the Five Nations; (5) for the encouraging of seamen.

His Excellency told the Representatives that there were several other Bills sent up from them to this Board, but they mostly containing matter of property, or the Courts of Law in this Province,

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His Excellency and Council thought it advisable not to intermeddle with the same, in regard that he hath received advice that His Majesty hath appointed a Chief Justice and Attorney General, men of study, knowledge and experience in the Law, who are now daily expected, by whose advice and assistance he hopes measures will be taken that every person's property may be effectually secured to him and that the Courts of Judicature will be established for the ease and benefit of the subject inhabitants here. He prorogued the Assembly until the first Wednesday in April next. The gentlemen of the Council and several of the Representatives agreed to meet at the City Hall and publish the Acts now passed on Munday morning next, which was done. [*Board of Trade.* New York, 72. *pp.* 856-859.]

Nov. 4. Office of Ordnance.

902. Wm. Phelps to William Popple. I laid your letter of Nov. 1 before the Principal Officers of H.M. Ordnance, and am to acquaint you that order is taken for writing to Col. Blakiston about the guns seized by him, and to desire you that, as there shall be any occasion to send to this office, you would direct to the Rt. Hon. the Earl of Romney, Master General of H.M. Ordnance and the Principal officers of the same. *Signed*, Will. Phelps. *Endorsed*, Recd. Read Nov. 6, 1700. 1 *p.* [*Board of Trade.* Maryland, 4. *No.* 14; *and* 9. *pp.* 558, 559.]

Nov. 4. Bermuda.

903. Gilbert Nelson to the Council of Trade and Plantations. I hear from a gentleman in England that one in the City of London doth report that he hath an affidavit made by Capt. Richard Peniston, that he gave me money to corrupt the jury in Lewis Johnston's cause with Thomas Burton. I have had Peniston before the Governor and Council, where he did deny that ever he made such an affidavit or that ever he gave me any money in the cause, either to corrupt the jury or as a bribe. The author of the report, I am informed, is Mr. Charles Noden, a person well known to your Honours. I hope he hath laid the affidavit before you, which if he hath, my humble request is that you will be pleased to lett a friend of mine, one Mr. Benjamin Nelson, a Barrister in Chancery Lane, have a copy of it. I cannot get a copy here, nor learne what J.P. took it. Capt. Peniston doth confess he hath made an affidavit against me, but refuses to declare the contents.

There is in these islands thirteen or fourteen shares of land lately bought with pirates' money, three in Thomas Smith's name with the money of William Griffin (and Daniel Smith) lately sent for England. I have taken several affidavits about the purchase from the tenants, who did refuse to pay their rents either to Tho. Smith or the two pyrats. Mr. Charles Walker, who was concerned in selling the land and did receive the rents before the sale, did receive the rents after sold, until the tenants could be got out of possession or persuaded to turn tenants to the new purchasers. I have caused a writ to be made out of H.M. Exchequer, directed to the Sheriff, to seize to the use of His Majesty the aforesaid three shares of land. Mr. John Dickenson, or Col. Ant. White, they being concerned together, have purchased three shares, Richard

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Gilbert four shares, and two others three or four shares with the money they received as their dividends from Thomas Tew and his gang. They fetched it from Rhoad Island in a sloop sent for that purpose. They did set forth Thomas Tew, being concerned as part owners; some received 3,000*l.*, 2,000*l.*, 1,400*l.* and 700*l.*, in Lyon dollars and Arabian gold, according as their interest was. I did commit Col. White and Mr. Dickenson to prison as Judge of the Admiralty. Two Justices of the Peace bailed them. I committed Thomas Smith as an accomplice with Wm. Griffin and his son Daniel; the same Justices bailed him to the Assizes, whom now doth hide and cannot be found all the island over. The Governor, that is called home, hath sent or will bring with him the several affidavits. This is from a loyal subject (of King William). *Signed*, Gilbert Nelson. *Endorsed*, Recd. 9, Read Dec. 12, 1700. *Addressed and sealed. Postmark. Holograph.* 3 *pp.* (*with abstract*). [*Board of Trade.* Bermuda, 4. *No.* 45; *and* 30. *pp.* 132–135.]

Nov. 4. **904.** Minutes of Council of the Massachusetts Bay. Forasmuch as there is apparent hazard of the fireing of houses by the throwing of squibs, serpents, rockets and other fireworks in ye town of Boston, besides the great rudeness and disorders occasioned thereby, for prevention whereof, advised that the Lieut. Governor do emit a proclamation forbidding all persons to fire or throw any squibs, etc., within the Town of Boston, other than in the open fields, and there not within the space of twenty rods of any house or fence, on pain of imprisonment.

The accompt of wages due to Capt. Cyprian Southack, Commander of the *Province* galley, and company, March 5—Oct. 24, approved and allowed.

Arrears due to the brigantine *Elizabeth*, John Pitts, master, for transport work paid.

Ordered that Mr. Treasurer provide the necessary supplies for the soldiers at the new Fort at Cascobay from time to time. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 19, 20.]

Nov. 5. Whitehall. **905.** Order of King in Council, referring enclosed petition to the Council of Trade and Plantations, to report what they conceive fit for His Majesty to do, after hearing petitioner's Counsel. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 15, 1700. ½ *p. Enclosed*,

905. i. Copy of Petition of Charles, Lord Baltimore, to the King. Two Acts lately transmitted from Maryland—the Act ascertaining the bounds of lands, and the Act limiting the time for payment of obligations—will, if they obtain His Majesty's consent, injure petitioner's right and property to his lands and lessen his revenue there. He therefore begs to be heard by his Counsel. 1 *p.*

905. ii. Duplicate of above. [*Board of Trade.* Maryland, 4. *Nos.* 15, 15.i., 16; *and* 10. *pp.* 1–3.]

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Nov. 5. **906**. Edward Randolph to the Council of Trade and Plantations. A paper humbly presented showing the great loss His Majesty sustains in his Revenue upon tobacco, carried from His Majesty's Plantations on the Continent to His Majesty's other Plantations, where far greater quantities are yearly imported than the consumption of those places require, from whence a great part is carried to Newfoundland, Scotland and directly, as also some proposals for preventing the same for the future. *North Carolina.* The inhabitants and those who live upon the Southern bounds of Virginia, adjoyning to the inlet of Currituck (where is no settled officer of the Customs) run their tobacco aboard small vessels, there not being above eight foot at high water, and a bar'd harbour, and carry it to New England, New York, etc., or land great part of it at Martin's Vineyard, or at Elizabeth's Island, where it is housed, not paying the Collector, if they are discovered, above ¼ of the duty of the penny per pound sterl. as by the 25 of Car. II. is enacted, taking English goods or rum and sugar at 50 or 60 per cent. in lieu of the duty. The generality of the people live chiefly upon the planting Indian corn, and raising stocks of hogs and cattell, which were carried to the Leeward Islands, but since tobacco has been in demand at home, the Agents of the Pennsylvania Company have encouraged those who live about Albemarl River to plant tobacco, which they have done, and they sent Capt. Cole in a vessel belonging to London to carry it thither, but he finding but eight foot at high water at the inlet of Roanoak, and the channel very uncertain, would not venture in, but went directly to take in a loading at Virginia, so that the Tobacco planted in that Province cannot for that reason be brought to England, but carried in small vessels to New England, etc., therefore planting Tobacco there is by all means to be prevented. Besides, one Henderson Walker (a pretended Quaker) succeeds Tho. Harvey, the late Deputy Governor. He is not approved of by the Lords Proprietors, and as in many other respects a very unfit man to govern. *Virginia and Maryland.* It has been the practice of some of the former Collectors, who were great Planters, and had one moiety of the duty of all the Tobacco carryed from thence to His Majesty's other Plantations for their collecting for His Majesty the moiety, to abate the masters about ⅓ of their own moiety provided they would purchase their whole loading of them, sometimes conniving at their short entries (as I discovered in the Collectors' Books at Potomack in Maryland, and in James River. *Details given*). *Pennsylvania* and the three lower Counties on Delaware. The Scotch merchants and others inhabiting that Province used to carry their goods out of Delaware overland to the heads of Sassafras, Bohema and Elke Rivers in Maryland, where they purchased tobacco, and paid no duty for it, carrying it the same way to Delaware, and shipped it aboard vessels, which lay ready to receive it, 40 miles below the Port of Newcastle, which was carried directly to Scotland, as did Gustavus Hamilton, etc., since the time I was first in Pennsylvania, there being little tobacco planted in those three lower countries (as Mr. Penn did about that time aver), but upon his coming to Pennsylvania the inhabitants

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of Kent and Sussex counties have planted vast quantities, and several families are lately removed thither from Maryland, which encourageth their planting. There has within these two last years been about 370 hhds. carried from thence to His Majesty's other Plantations.

For the more certain discovery of the true quantity of tobacco yearly made in the Plantations ; 'tis humbly moved that it may be recommended to the Governors that they command the Sheriffs of the Counties *ex officio* to demand of everyone of the inhabitants in April an account of every *hhd.* of Tobacco he made the precedent crop, and to return the same to the Governor, which with a duplicate thereof the Governor is likewise to transmit to the Commissioners of H.M. Customs.

New England. As to the illegal trade in those Colonies, I find that notwithstanding the letters from the Commissioners of H.M. Customs to all the Governors, directing them to be very vigilant to prevent the carrying tobacco or any other enumerated Plantation commodities to Newfoundland, yet great quantities are yearly carried from New London and other Ports in the Colony of Connecticut (where is no settled Officer of the Customs). Col. John Fits (*sic*) Winthrop, one of the owners of Fisher's Island (where several bales of goods from Madagascar were housed) is Governor of the Colony. Mr. William Partridge, a milwright is the Lieut. Governor of New Hampshire ; he sent about two years' agoe 15 *hhds.* of tobacco and 600 weight of sugar to Newfoundland from that Province, as did others. But the merchants in Boston now exceed them in that and all other prohibited trade, the Chief of the Council being concerned therein. There were cleared at the Custom House 14 vessels from April 12, 1698–May 20 following for Newfoundland, whereby that island is made a staple of all European and Plantation commodities. *Proposals offered for preventing the great and increasing loss to the Customs on Tobacco by the yearly exportation thereof from the Plantations on the Continent to His Majesty's other Plantations in far greater quantities than the consumption of those places do require* :—(1) That Tobacco be not hereafter exported from any of His Majesty's Plantations on the Continent to any of His Majesty's other Planations, otherwise than in cask, chest or case only, none to weigh less than 250 neat, under penalty. (2) That no planter or merchant shall be hereafter a Collector of H.M. Customs in the Plantations, but that persons of known and approved abilities be made the officers in those districts, where is the greatest trade and requires the greatest trust and care. (3) That no Collector do henceforth grant any bills of store for any tobacco carried from the said Plantations under penalty of fine per pound of tobacco for which he granted the bill. (4) That all the Collectors of His Majesty's other Plantations provide themselves with a good beam, scales and weights or stillyards in places where no public weigh-houses are, and carefully weigh all tobacco so imported, as also other the enumerated commodities, before he permit any of it to be carried away or housed, and that they enter the weight thereof in a book provided for that purpose, and transmit it hence every year to the Commissioners of the Customs according to the specimen annexed under penalty. (5) That no

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Naval Officer shall take a Plantation Bond until the Collector in that district has certified his approbation of the security in writing under his hand; neither shall he discharge any Plantation Bond upon a Certificate produced to him for the discharge thereof, either from England, Wales, etc., or from any other of His Majesty's Plantations, until the Collector has likewise perused and approved thereof. (6) That no Naval Officer shall accept of any inhabitant, tho' of a good estate, to be security with any Master of a ship or vessel, who at the same time stands bound with another Master, till the first bond be discharged by a legal certificate. (7) That every Naval Officer do once, or oftener, every year return all Plantation Bonds with the certificates annexed, which were produced for their discharge, and also all the certificates produced to him for vessels, which gave bond in England, etc., to return to England, etc., only, into the Secretary's office in each Government, who is to be strictly charged with the safe-keeping of them, and that the Collectors take care that the Attorney General do vigorously prosecute all Plantation Bonds, so soon as they shall become forfeited. (8) That no Naval Officer shall take a Plantation Bond of any Master of a vessel belonging to England, Wales or Ireland, to load tobacco, except for a new ship built in the country and her first voyage, until he produce a certificate from the officers of some Custom House in England, *etc.*, that he has there given bond according to law. (9) That no master of a vessel be permitted to clear upon oath until he has received a true account of her loading from the mate or others, who stowed the vessel, and that all Masters coming unto any of His Majesty's Plantations on the Continent of America do load and unload at the places appointed by the respective Government to be the only ports in the said Plantations, and not elsew(*h*)ere under a penalty. (10) There has been from April, 1698–April, 1700, above 370 hhds. of Tobacco carried from Philadelphia to His Majesty's other Plantations, and inasmuch as the greatest part of the Tobacco carried out of the Capes of Delaware Bay is made in the counties of Kent, Sussex and Newcastle, it is humbly proposed that all such tobacco be entered and cleared with the Collectors at the port of Newcastle only, and that the Officers of the Customs in the other Plantations, and also the Collectors at Philadelphia be strictly directed to seize all tobacco brought from any of the said three lower counties for which the Master does not produce a certificate that it was first entered and cleared by the officer at Newcastle, who, as also the Collector at Philadelphia, is to get a beam, scales, and weights. And in regard Delaware Bay is in most places about seven or eight leagues over, and therefore not possible for many officers to prevent the carrying away tobacco, and other illegal trade, from Duck Creek, Dover, *etc.*, without the assistance of a frigott to cruise in the Bay and seize all vessels, which had not legal clearings from the Collectors at Newcastle and Philadelphia. The Lords of the Admiralty did order a small frigot to be sent to Maryland for that purpose, and upon notice that she was lost upon the coast of North Carolina, have sent Capt. Code with another frigott now in Maryland ready for that service, when the Commander shall receive like orders as were given to Capt. Bostock, the commander of the former frigott.

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It's therefore humbly proposed that since there are far greater quantities of tobacco yearly made and carried out of Delaware than at the time when the orders were obtained for a frigott to be sent to cruise there, that the former order may be renewed (*and*) that the frigott now ready in Maryland may be ordered accordingly.

Now since the inhabitants of His Majesty's other Plantations will not content themselves with being supplied with tobacco for their own use free from all other Customs saving the duty of 1*d.* per lb., whilst His Majesty's subjects in England pay great customs and impositions for what is spent here, but have contrary to the Acts of Trade, carried great quantities thereof to Newfoundland, Scotland, etc., to the great diminution of H.M. Customs, it's humbly proposed that a duty of 1*d.* per pound more be upon all tobacco exported from His Majesty's Plantations on the Continent to any of His Majesty's other Plantations, to be paid by every Master of a vessel bound thither with tobacco to the Collector in money sterling before he take any aboard, as is enacted 25 Car. II., and that all Governors and Collectors there be required to see the same strictly observed. And lastly, for preventing Masters of vessels from carrying tobacco, sugar, etc., from Boston and New Hampshire, and also from any other of His Majesty's Plantations to Newfoundland under pretence of supplying that island with provisions, and likewise from making their return in wine, brande, silks and the manufacture of Scotland, taking fish aboard in New oundland only to colour their frauds, it's humbly proposed, that every Master, bound from any of His Majesty's Plantations with provisions to Newfoundland, shall, before his taking any aboard, give bond of 1,000*l.* with sufficient security to the Governor or his Naval Officer in the port where he loads any provisions, with condition that if he load and carry from thence any of the enumerated Plantation commodities to Newfoundland, or import any goods or merchandize of the production or manufacture of Europe from that Island to any of His Majesty's Plantations, that [*upon*] proof thereof, the said bond shall be forfeited, one moiety to His Majesty, etc., the other to the Master or any of the seamen belonging to the said vessel, in case the Master or any two of the seamen within — months after his or their arrival inform thereof to any J.P. or officer of Customs in the Port where the said Plantations' commodities were loaden, and where they were unlivered.

The Commissioners of Customs have procured several Acts to be passed for the better regulat ng the Trade and securing H.M. Customs in the Plantations, which notwithstanding are taken little notice of in the Proprieties, where the illegal trade is carried on more than formerly, and will increase till all the Proprieties are brought under His Majesty's immediate government, and until I can arrive in Virginia, to take care that the several new Collectors, wholly unacquainted with the r business, be directed how to perform the great trust reposed in them.

General Proposals for regulating the Trade: (1) That no Governor or Lieut. Governor shall be an owner or part owner of any vessel, nor shall trade by himself or by any person concerned

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directly or indirectly for him, under the loss of his Government. (2) That the Governors, etc., return a list of all vessels and of all Plantation Commodities exported thence, and also attested copies of all bonds, taken by them or by their respective Naval Officers, to the Commissioners of H.M. Customs, twice every year, under a grievous penalty. (3) That the Governors, etc., shall not imprison or suspend any of the Officers of H.M. Customs, except in case of felony, murther or treason proved, but shall by the first opportunity represent the case to the Commissioners of H.M. Customs, giving the Officer a copy of his charge time enough, that he may send his answer to the Commissioners of Customs. (4) That all depositions relating to Trade and Navigation or otherwise taken before a Governor and certified under the hand and seal of the Governor, who is to take the same, unless he be a party concerned, shall be of equal force at the Council Board, or in any of the Courts at Westminster Hall, as if the same had been taken before any of the Masters in Chancery in England, but where the matter in difference relates to the Governor or Lieut. Governor, the party agrived may apply himself to the Chief Judge or to any two of the J.P.s in the said Plantations, whereof one to be of the quorum, who are to be required under a penalty to take and certify the same, which oath to be of like force. (5) That the fees in the Courts of Admiralty and special Courts in the Plantations for trying seizures and forfeitures, and all matters relating to the Crown be regulated, being at present too extravagantly high, and in case judgment be entred up for His Majesty, a great part of His Majesty's and the Collector's third part of forfeitures be not swallowed up in fees, as lately at Carolina, Bermuda and Providence. (6) Whereas by 14 Charles II, Officers may plead the general issue, and the Judges are required to admit the same, and to acquit and indempnifie them, etc., which Mr. Nelson, the Chief Justice in Bermuda, refused to do in my prosecuting a seizure, and was practiced likewise in Pensilvania upon my trying the sloop *Dolphin* of Boston, etc., they gave judgment against me at both places for Court and other charges; (and) that all Judges refusing to admit the Officer's plea, upon producing any of the Acts mentioned in the said Act be fined, etc., and that no person shall be Judge in the same case in two several Courts. (7) That no Collector in the Plantations grant Bills of Store for any of the enumerated Plantation commodities, upon [penalty of?] paying double the value of every pound thereof so granted. (8) That no Officer of H.M. Customs be owner of any vessel, nor an agent or factor, for any merchant or company, under penalty of ——. *Signed*, Ed. Randolph. *Endorsed*, Recd. Read Nov. 6, 1700. 6¼ *large pp.* [*Board of Trade.* Plantations General, 5. *No.* 79; *and* 35. *pp.* 333–350.]

Nov. 5. **907**. Edward Randolph to the Council of Trade and Plantations. Narrative of his survey in the Plantations, Nov. 8, 1697–July 1, 1700. *A diary of his movements already recorded in letters abstracted and calendared in Calendar* A. and W.I., 1697, *ff. Signed*, Ed. Randolph. *Endorsed*, Recd. Nov 6, 1700. 14 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 80.]

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Nov. 5. Whitehall.

908. Order of King in Council. Referring to the Council of Trade and Plantations, for their report, the enclosed Remonstrance. *Signed*, John Povey. *Endorsed*, Recd. Read Nov. 15, 1700. ¾ *p. Enclosed*,

908. i. Remonstrance and humble petition to the King of His Majesty's subjects inhabiting East New Jersey. Petitioners settled in the Province, and, by virtue of a licence from the Hon. Col. Richard Nicholls, Governor under the then Duke of York, purchased lands of the native pagans. His Royal Highness sold his right and interest to the Province to certain Proprietors, by whose licence several of your Majesty's subjects have also purchased lands of the native pagans, whereby they humbly conceive they have gained a right and property to the said lands. Yet they are molested, disturbed and dispossessed of their said lands by the said Proprietors or their Agents, who under pretence and colour of having bought the Government with the soil, have distrained from and ejected several persons for and under pretence of Quit-rent and Lord's Rent, whereby they have been sued and put to great trouble and charges, and have been compelled to answer to vexatious actions, and after they have obtained judgment in their favour, could not have their charges, as, according to Law, they ought to have, but have been forced to sit down under the loss of several hundreds of pounds sustained by their unjust molestations. The Proprietors, without any process of law, have also given and granted great part of petitioners' lands by Patent, as to them seemed fit. And notwithstanding their pretence of Government, yet they left us from the latter end of June, 1689 till Aug., 1692, without any Government, and that too in time of war. They have never taken care to defend us from the native pagans by providing ammunition or stores, but rather have provoked them to make war on us, by surveying and patenting their lands without purchasing the same from them; and sometimes, when the natives have sold and disposed their lands, the Proprietors have disposed of the same to others, or else forced them who had the property in it to purchase it of them upon their own terms, which the natives have highly resented, and (may justly be feared) wait only an opportunity to revenge it. And further to manifest the illegal and arbitrary proceedings of the Proprietors, they wrote to the Council here, "We have been obliged against our inclinations to dismiss Col. Hamilton from the Government, because of a late Act of Parliament disabling all Scotchmen to serve in places of public trust, or profit, and obliging all Proprietors of Colonies to present their respective Governors to the

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King for his approbation; so we have appointed our friend Jeremiah Basse to succeed him, whom we have also presented to the King, and he is by him owned and approved off." Yet they have superseded Basse and have commissionated Col. Hamilton again, without your Majesty's Royal approbation, who now would impose himself upon us as Governor, without having legally taken the oath. The Proprietors have also, in contempt of your Majesty's known Laws, commissionated natives of Scotland to be Secretary and Attorney General and Clerk of the Supreme Court, which may be of ill consequence in relation to the Act of Trade and Navigation, and to the great hindrance of your Majesty's loyal subjects—(the power of Government being chiefly in the hands of natives of Scotland) from informing against any illegal or fraudulent trading by Scotchmen or others.

We humbly implore your Majesty to give your orders to the Proprietors that, with your Royal approbation, they commissionate for Governor a fit person qualified according to law, who as an indifferent Judge may decide by the controversies arising between the Proprietors and inhabitants of this Province. *Signed*, John Royse and 223 other signatures. 4½ *pp. Edges rubbed.* [*Board of Trade.* Proprieties, 5. *Nos.* 70, 70.i.; and 26. *pp.* 333–340.]

Nov. 5. Fort William Henry.

909. Minutes of Council of New York. 16*l.* 1*s.* 6*d.* paid to Johannes Sanderse Glen for repairing the barracks at Schonnectady.

His Excellency and Council agreed with Hendrick Hansen and Peter van Brough to provide firewood for His Majesty's soldiers at Albany for 130*l.* per annum. Their accounts referred to a Committee. 43*l.* 10*s.* paid to Hendrick Hansen for previous provision of firewood.

Col. Cortlandt ordered to provide furniture for a room for the two Lieutenants now to be sent up to Albany and bring in an account thereof.

Nov. 6. 30*l.* 8*s.* 2*d.* paid to Peter van Brugh, and 20*l.* 0*s.* 10½*d.* to Hendrick Hansen for their journies with Col. Romar to Onnondage.

9*l.* 19*s.* 3*d.* paid to Major Dyrk Wessells for disbursements by him to the Indians, 1697, 1698.

2*l.* paid to Garrit Viele for casting 2,000lbs. of lead into small bars for the Indians.

3*l.* 13*s.* 3*d.* paid to Henry Mason, blacksmith, for work done in Fort William Henry.

20*l.* paid to Abraham Gouverneur, Speaker of the House of Representatives, for his services the last sessions.

2*l.* 2*s.* paid to Abraham de la Noy and Engelbert Lott for seven beams used for Fort William Henry.

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18*l.* paid to Major Dyrk Wessells for journeys to Onnondage and New York.

28*l.* 9*s.* 11*d.* paid to Col. Peter Schuyler for provisions for the French Prisoners, Nov. 10, 1697–May 1, 1698, and 25*l.* for supplies for Albany and Schonnectady.

36*l.* 10*s.* paid to Lt. Tho. Sharp, Gunner at Albany.

24*l.* 10*s.* 6*d.* paid to Capt. John Schuyler for goods delivered to four Indians, who were sent on the public account with some Christians to Ottowawa.

28*l.* 12*s.* paid to Col. Abraham Depeyster for the expedition in search of masts. [*Board of Trade.* New York, 72. *pp.* 379–382.]

Nov. 5. **910.** Minutes of Council in Assembly of Barbados. Richard Brewster was sworn a Member. Excise Bill passed and received His Excellency's consent.

Bill to encourage inhabitants to become owners of vessels was read once and referred to a Committee.

Petition of the Honble. Coll. Tobias Frere, praying that the 15*l.* he had paid for an Indian woman upon concluding a peace with the Indians of Dominico might be recommended to the Assembly, granted.

An account of the wants and defects of the fortifications of the several Divisions required.

Petition of Capt. Thomas Beckly, Attorney to Edward Parsons, for a drawback on wine re-exported. recommended to the Assembly.

The same was paid 33*l.* 18*s.* 4*d.* for fitting out some vessels in the country's service.

Sundry petitions for drawbacks on wines recommended to the Assembly.

Then the Assembly came up and declared their great concern at the scandalous report against the Governor in England, to which he had referred on Oct. 22, and delivered a vindication of him, which they intended to send home, heartily exonerating him from the charge of invading the rights of the Assembly and undertaking the decision of Elections, and acknowledging his beneficence in passing and recommending several laws which before his arrival they could not by the most engaging methods obtain. [*Board of Trade.* Barbados, 66. *pp.* 381–385.]

Nov. 5. **911.** Journal of Assembly of Barbados. Bill for a present to the Governor passed.

Committee to consider the old arrears appointed.

William Bridges, Francis Eyles, and Robert Heysham appointed Agents for the Island in England for two years.

Resolved that His Excellency be humbly desired that all petitions be directed to the Governor, Council and Assembly.

The Act against detaining negroes being near expiring, ordered that it be considered next sitting.

A Committee of Correspondence ordered.

The House adjourned till this day four weeks. [*Board of Trade.* Barbados, 66. *pp.* 420–422.]

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Nov. 6. Whitehall. **912.** William Popple to the Agents for Barbados. The Council of Trade and Plantations being now about to consider the Barbados Acts, which were lately delivered me by Mr. Bridges, have commanded me to acquaint you that, if either you or any other gentlemen concerned in that Island, have anything to offer to you relating to any of those Acts, they desire it may be done in writing with what speed you can. And they again further desire that the remaining Acts of the said Island, which are yet in Mr. Attorney General's hands may be forthwith dispatched to them. [*Board of Trade.* Barbados, 45. *pp.* 128, 129.]

Nov. 6. **913.** A list of the Governors and Deputy Governors in the several Proprieties, who are not allowed of by H.M. Order in Council, as is enacted by the Act for Preventing Frauds, etc.

(1) Samuel Cranston, Governor of Rhode Island. He refused to administer the oath to Col. Peleg Sandford, Judge of the Court of Admiralty, intending thereby to incapacitate him from acting as Judge.

(2) Col. John Winthrop, Governor of Connecticut.

(3) Col. Andrew Hamilton, Governor of East and West Jersies.

(4) Mr. Markham, late Lieutenant Governor of Pennsylvania.

(5) Henderson Walker, Governor of North Carolina, chosen by the Council only, in ye room of Thomas Harvey, decd.

(6) Joseph Blake, Proprietor and Governor of South Carolina.

(7) Read Elding, Deputy Governor by deputation from Col. Webb, the late Governor at Providence.

Query. Whether the Governors in the Proprieties, not being first approved of by H.M. Order in Council, before they enter upon their respective Governments, are qualified to put in execution the Acts of Trade, or have a right to receive the benefit of forfeitures, arising upon the breach of any of the said Acts.

Query. Whether Mr. Penn, the present Proprietor and Governor of the Province of Pennsylvania, be qualified, not being first approved of by H.M. Order in Council, as by the aforesaid Act is directed. *Endorsed*, Communicated to the Board by Mr. Randolph. Recd. Nov. 6, 1700. 1 *p.* [*Board of Trade.* Proprieties, 5. *No.* 71; *and* 26. *pp.* 331, 332.]

Nov. 6. Whitehall. **914.** Mr. Secretary Vernon to the Council of Trade and Plantations. I have received an account this post from the Mayor of Bristol that one Edward Atterbury, a pirate, is brought thither from Maryland. I desire you will let me know what informations you have against him. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Nov. 7, 1700. ½ *p.* [*Board of Trade.* Maryland, 4. *No.* 17; *and* 9. *p.* 560.]

Nov. 7. **915.** William Popple to Mr. Yard. Reply to above. The Council of Trade and Plantations have no informations concerning Edward Atterbury, but the copies of such papers as Col. Blakiston writes them he has sent to Mr. Secretary upon that subject. [*Board of Trade.* Maryland, 9. *p.* 561.]

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Nov. 6. Whitehall. **916**. Journal of Council of Trade and Plantations. Mr. Cary presented an Act past at Antegoa by Col. Fox, May 23 last, to enable Alexander Craford to sell a parcel of land, and intimating some doubt whether the Acts past by Col. Fox would be esteemed valid or not, desired their Lordships would take this point into consideration and report upon this and other Acts past by Col. Fox, which they resolved to do as soon as may be.

Ordered that a copy of the trial between Mr. Bass and the Earl of Bellomont, about the seizure of the *Hester*, be sent to Lord Bellomont.

Letter from Mr. Addington, Sept. 3, read, and enclosures laid before the Board.

Letter from Mr. Phelps (Nov. 4), in answer to one writ him Nov. 1, read.

Mr. Randolph presented to their Lordships an account of the present state of the Bermuda Islands which was read, and the papers therein referred to laid before the Board. Whereupon Mr. Randolph was told he might get affidavits of such facts he mentioned, as he said he had witnesses here to prove, and then to lay them before their Lordships. He also presented to their Lordships the narrative of his Survey, Report upon the Revenue from Tobacco, and a List of the Propriety Governors not allowed of by His Majesty.

Orders of Council, Oct. 22, confirming and repealing several Acts of Nevis and Antegoa, laid before the Board.

Orders of Council, Oct. 22, confirming and repealing several Acts of the Massachusetts Bay, laid before the Board.

Orders of Council, Oct. 22, repealing and confirming Acts of New Hampshire, laid before the Board. Ordered that copies of those relating to Massachusetts Bay and New Hampshire be sent to Lord Bellomont. Their Lordships taking into consideration the Acts of Barbados, mentioned Nov. 1, ordered that a letter be writ to the Agents of that Island, to acquaint them that, if they or others have anything to offer to the Board, relating to those Acts, they do it in writing with what speed they can.

Nov. 7. Upon consideration of some queries proposed in Mr. Randolph's State of the Bermuda Islands, letter of enquiry written to Doctor Newton, Advocate of the Admiralty.

Letter from the Bishop of London, Nov. 1, read.

Letter from Mr. Secretary Vernon, Nov. 6, read. Secretary ordered to reply to Mr. Yard, *supra* Nov. 7.

Upon consideration of the business of Forts in the Plantations, letter to Lord Rumney ordered.

Nicholas Gellibrand presented his memorial to the Board (*infra*, Nov. 7), which was read. He was told that it was more proper to make his application to the Admiralty.

Acts of Barbados further considered, and upon consideration of some of those Acts passed by the President and Council after the death of Governor Russel and before the arrival of Mr. Grey, ordered that a postscript be added to Lord Bellomont's letter and a like memorandum to all H.M. Governments in the Plantations,

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as occasion offers, to caution them that whenever the Government of any Plantation comes to devolve into the hands of a President and Council, they do not pass any Acts but such as are immediately necessary for the Peace and Welfare of each Government, without His Majesty's express order.

Ordered that the Secretary write to Mr. Addington, Secretary of the Massachusets Bay, that whatever advice relating to that Government is sent to Lord Bellomont, it be also sent at the same time to this Board by the Lieut.-Governor, that being a quicker way for the Board to come to the knowledge of things, than by the Earl of Bellomont's writing of it, when he is at New York.

Nov. 8. Postscript to Lord Bellomont's letter, ordered yesterday, was agreed upon and added accordingly.

Acts of Barbados further considered. [*Board of Trade.* Journal, 13. *pp.* 233–243; *and* 97. *Nos.* 197–199.]

Nov. 7. General Post Office. **917.** Postmasters General to Mr. Popple. Our officer to whose charge the letters for the Commissioners for Trade and Plantations are committed complains that there is above 100*l.* owing to him for the postage. The man is not in a condition to disburse such a sum himself and 'tis by no means for His Majesty's service to suffer those under-officers to run in debt. We desire you to represent to the Commissioners that they would take some care the money already due may be paid, and for the future put it into such a method as there may be no occasion for such long accompts. *Signed*, R. Cotton, Tho. Frankland. *Endorsed*, Recd. Nov. 8, Read Nov. 13, 1700. [*Board of Trade.* Miscellanies, 1. *No.* 42; *and* 11. *p.* 85.]

Nov. 7. Whitehall. **918.** Council of Trade and Plantations to the Earl of Rumney, Master General of the Ordnance. Having several matters under our consideration relating to forts and fortifications in H.M. Plantations, upon which we are forthwith to report to His Majesty, and observing that in 1696 or 1697 Mr. Talbot Edwards, an Engineer, was sent to Barbadoes and the Leeward Islands to inspect the state thereof, and report what might be necessary for the better security and defence of the same, we desire you would please to communicate to us a copy of the report that he made to your Board upon his return. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Leeward Islands, 46. *p.* 116.]

Nov. 7. **919.** Memorial of Nicholas Gellibrand to the Council of Trade and Plantations. His seizure of the pirates' sloop was a great piece of service done to the Government. He delivered her with all her cargo to the master of the *John Hopewell*. They are now in the custody of the Governor of Maryland, by whom he was sent into England, where Mr. Sec. Vernon "orders him to his very great surprize into the custody of a messenger." Offers, if the Council of Trade and Plantations will represent his case

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to the King, and if the King will give him a light fifth-rate frigate, to clear the coast of Guinea and bring the heads of the chief pirates to their Lordships or to forfeit his own. *Signed*, Nicholas Gellibrand. *Endorsed*, Recd. Read Nov. 7, 1700. 1 *p. Enclosed*,

919. i. Inventory of the goods of the *Sea-flower* "the pirate ship delivered to Capt. Henry Munday of the *John Hopewell*, at Angola, Feb. 5, $\frac{1699}{1700}$, by N. Gellibrand." 1 *p.* [*Board of Trade.* Maryland, 4. *Nos.* 18, 18.i.]

Nov. 7. Whitehall. **920**. William Popple to Governor the Earl of Bellomont. I am directed by the Lords Commissioners for Trade and Plantations to send you the copies of some papers that have come to their hands, since the finishing of their letter of Oct. 30. Sir Henry Ashurst has now sent me the draught of the Charter of Harvard Colledge and writes that he will in a few days attend their Lordships about it, so that they defer the consideration thereof till he come, and I suppose they will then proceed to consider also the other matters that they mention in their letter. I have likewise received from Mr. Addington, the Acts of the Massachusets Bay, mentioned in their said letter, under seal, and they are sent as usual to Mr. Solicitor General for his opinion upon them in point of law. [*Board of Trade.* New York, 55. *pp.* 14, 15.]

Nov. 7. Whitehall. **921**. William Popple to Dr. Henry Newton, desiring his opinion upon the points *answered No.* 924, *q.v.* [*Board of Trade.* Bermuda, 30. *pp.* 128, 129.]

Nov. 7. Whitehall. **922**. Council of Trade and Plantations to the Earl of Rumney, Master General, and the Principal Officers of H.M. Ordnance. Having several matters under consideration relating to the Forts and Fortifications in H.M. Plantations, upon which we are forthwith to report to His Majesty, and observing that in 1696 or 1697 Mr. Talbot Edwards, an Engineer, was sent to Barbados and the Leeward Islands, to inspect the state thereof and report what might be necessary for the better security of the same, we desire you would communicate to us a copy of the report that he made to your Board. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney. [*Board of Trade.* Barbados, 45. *pp.* 129, 130.]

Nov. 7. College of William and Mary. **923**. Minutes of Council of Virginia. His Excellency informed the Council that Mr. Auditor Byrd was gone up to the settling of the French Refugees, and his presence being necessary to settle accounts, the Council adjourned to his house, Nov. 14. [*Board of Trade.* Virginia, 55. *p.* 38.]

Nov. 8. Doctors Commons. **924**. Henry Newton, Advocate of the Admiralty, to Mr. Popple. In reply to your letter of the 7th, whereby the Lords Commissioners for Trade and Plantations require my opinion on the following points, I premise that the Governors of H.M. Plantations, who are Vice-Admirals, seem to have a right to the

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same advantages which the Vice-Admirals in England claim and receive. (1) I am of opinion that no fees are legally due to Governors as Vice-Admirals for vessels which have touched upon rocks or sands coming in or going out of the Plantations. (2) In case of ships that have been assisted or brought off from such rocks or sands, no salvage is due to the Governor, being Vice-Admiral, except he, or his servants, are particularly concerned in the salvage, which is then to be proportioned according to the trouble and hazard undergone, as in cases of the like nature, where others are concerned. (3) As to whether any fees are due to such Governor for wreck-goods recovered by fishermen or others in or out of the jurisdiction of such Plantations upon their being brought into the said Plantations, I find that, where any goods are fished up or recovered out of the sea, being not claimed within a year and a day, and are afterwards condemned to His Majesty in the Court of the Vice-Admiral, in such a case a moiety has been usually allowed to the Vice-Admiral. *Signed*, Hen. Newton. *Endorsed*, Recd. Read Nov. 12, 1700. 1¾ *pp.* [*Board of Trade.* Bermuda, 4. *No.* 46; *and* 30. *pp.* 129–131.]

Nov. 8. Whitehall. **925.** William Popple to Isaac Addington. I have lately received your letters of Aug. 13 and Sept. 3, and have laid the enclosures before the Lords Commissioners for Trade and Plantations. I fear I have been too defective in omitting to acknowledge by particular letters to yourself the receipt of the several packets I have had from you from time to time. Upon perusal of your two forementioned letters, their Lordships have commanded me to signify to you their desire that whatever advice is sent to the Earle of Bellomont relating to the Government of the Massachusets Bay, whilst he remains at New Yorke, it be also sent at the same time by the Lieutenant Governor of the Massachusets Bay to this Board, that being a quicker way for the Board to come to the knowledge of things, then by the Earle of Bellomont's writing it from New York. [*Board of Trade.* New England, 38. *pp.* 302, 303.]

Nov. 12. Barbados. **926.** Governor Grey to the Council of Trade and Plantations I have received your letter of Aug. 1, with the Lords Justices' Order to transmit an account of the methods of proceedings in the Courts here. I shall communicate the same to the Council at our next sitting, etc. I have sent the Agents the bill for a present the Countrey have made me for 2,000*l.*, for the obtaining of which I shall beg your Lordships' favour. *Signed*, R. Grey. *Endorsed*, Recd. Jan. 24, Read 27, 170$\frac{0}{1}$. ¾ *p.* [*Board of Trade.* Barbados, 8. *No.* 75; *and* 45. *p.* 238.]

Nov. 12. Jamaica. **927.** Governor Sir Wm. Beeston to the Council of Trade and Plantations. I transmitted the Public Accounts, etc., Oct. 7, and some months past an account who were at present of the Council, and a list of others I thought fitting. Col. Lowe, one of them, is gon for England, and Lt.-Col. Dawkins, another, is lately dead, so that there are but eight remaining, and one of them,

1700.

Capt. Banister, is so terribly afflicted with the gout that he rarely goes out of his house, by which it's hard to get a quorum. Therefore I humbly hope you will recommend to His Majesty such of the list I sent you as to your Lordships may thinke best. I hear that Mr. Greydon is making application to your Lordships to be admitted Attorney General. Whilst he was here (which was about two years), he behaved himself very well, and if he be approved of in England for his knowledge and understanding in that part of the Law as concerns the justification of His Majesty's right, I believe he may be more proper than one that is a stranger here can be. The Spaniards continue taking our vessells they can overpower, and imprison the people and use them inhumanely. If some course be not taken for redress, they threaten they will revenge themselves, which I fear is what will follow. This Country has held hitherto without any distemper, so that, the year being so far over, we expect none, which is a great incouragement to all people, and all things goe on very well and quietly. *Signed*, Wm. Beeston. *Endorsed*, Recd. Jan. 31, Read Feb. 5, 170$\frac{0}{1}$. *Holograph.* 1 *p. Enclosed*,

927. i. Memorandum of Exportations, Dec. 25, 1699–March 25, 1700. $\frac{1}{4}$ *p.*

927. ii. Memorandum of Exportations, March 25, 1700–June 24, 1700. $\frac{1}{4}$ *p.*

927. iii. Memorandum of Exportations, June 24, 1700–Sept. 29, 1700. $\frac{1}{4}$ *p.* [*Board of Trade.* Jamaica, 9. *Nos.* 30, 30.i.–iii.; *and* 57. *pp.* 133–135.]

Nov. 12. Office of Ordnance.

928. Board of Ordnance to the Council of Trade and Plantations. We have received your letter of the 7th, present, and sent accordingly a copie of the Report of Mr. Talbot Edwards, one of H.M. Engineers belonging to this Office, upon his return from Barbados, where, in Jan. 1696, he was ordered to goe for His Majesty's service, and, that your Lordshipps may have all further information therein, he does by our order attend your Lopps. herewith. *Signed*, C. Musgrave, Ja. Lowther, Jon. Charltone. *Endorsed*, Recd. Read Nov. 15, 1700. $\frac{3}{4}$ *p. Enclosed*,

928. i. Report of Talbot Edwards, Engineer, concerning Barbados, from whence he came June 23, 1698. It is naturally fortified on the windermost side by high mountains and shoal rocks, nor is there any landing here save only in two or three narrow places, where a boat can but just pass between ye rocks when it's very calme. So that this side may be easily secured by a small battery of three or four cannon at each place. On ye Leward side is ye greatest danger of an enemy's landing, where almost from one end to the other boats may come ashore either at high or low water upon a hard dry sand, from whence they may draw their artillery without difficulty, having no hills to go up, but an easie assent. Besides, here is very good anchoring for ships all along, from 14 to 30 fathoms and in some places within musquett shot of

1700.

the shore. They have nothing to secure themselves but a small Trench they have sunk of about seven foot broad by five foot deep all next ye sea, behind which is a breastwork thrown up of loose sand, about six foot high and three foot broad at top, and this runs from one end of ye Island to ye other, where there is no high land next ye sea, and as this is a very slight defence, soe it is washed downe almost every year with ye rains. The greatest defence they have therefore is here and there a small battery, and some places they call Forts, which have neither moats nor pallizadoes about them, most of which lyes soe open, and have such sorry guns in them from 7½ to 8½ foot long, that, should they ever come to make use of these works, would serve only to deceive ye Island, but not to defend it.

Though fortifying the Coast better with some redoubts and batteries be necessary, yet if that were done an enemy may happen either by surprize or overpower[*ing*] them to get ashore, and then without a place of retreat ye Island may be lost, but with it easily secured. Such a place, therefore, being ye maine thing necessary to secure this important Island, which if once lost would not be a Newfoundland business to retake, I have contrived as well to secure from ye attempts of ye negroes within as an enemy without, a Royal Cittadell for ye Bridge Town of above 500 pieces of cannon and lodging for 5,000 men in it, all secured against bombs, and this place if built might, with sufficient provisions of all things necessary against a seige, hold out till relief come from England. For an enemy can hardly bring more than four or 5,000 men there, and it would be very hard fortune if, with that number, they should beat as many, who have a strong fortification to defend them, which I hope your Lordshipps will think my designs to be. I believe it is ye first peice of fortification as ever was contrived with such large flanques, being 300 foot in length, and the greatest Engineers in Europe has never yet brought them higher then 200ft., tho' their exterior polligons has been more then a 1,100 foot, which mine does not exceed. *Signed*, Talbot Edwards. *Countersigned*, C. Musgrave, Cl. Ordnance. *Copy.* 2½ *pp.* [*Board of Trade.* Barbados, 8. *Nos.* 60, 60.i. ; *and* 45. *pp.* 132–138.]

Nov. 12. **929**. Minutes of Council of New York. His Excellency produced His Majesty's letter of July 3, 1700, confirming Robert Walters a Member of Council.

In consideration that the barracks in H.M. Fort are not sufficient to entertain the souldiers in His Majesty's pay in this Province, ordered that barracks be built without the Fort. Sentry coats ordered for soldiers in the winter.

1700.

Circular letters to the several Counties ordered, to hasten the payment of their quotas of the 2,000*l.* granted to His Majesty, 1699.

9*l.* 8*s.* to Ryer Schermerhoorn for furnishing the garrison at Schonnectady with firewood, April 1–Nov. 1.

38*l.* 5*s.* 6*d.* granted to the Commissioners of Public Accounts and the Clerk of the Council for their trouble in that matter.

Nov. 13. John Parmyter, Robert Crannell and Danl. Toy made their affidavits before the Board relating to Mr. Ducie Hungerford, late one of the Commissioners of the Customs, his seizing of goods and keeping of them without informing against them in order to their condemnation, and also relating to his taking the elephants' teeth, etc., out of the Custom House in the night-time.

Ordered that the Excise of the City and County of Albany be let to farm to the highest bidder for the year ensuing. [*Board of Trade.* New York, 72. *pp.* 382–386.]

Nov. 12. Whitehall. **930.** Journal of Council of Trade and Plantations. Letter from Dr. Newton read.

Acts of Barbados further considered.

Nov. 13. Letter from Sir Robert Cotton and Sir Tho. Frankland, Post-Masters General, Nov. 7, read. Resolved to lay the matter referred to, together with the Stationer's and other accounts, before the Lords Commissioners of the Treasury as soon as possible.

Acts of Barbados further considered.

Nov. 14. Acts of Barbados further considered. Mr. Attorney General's Report upon those past there Aug. 2–Oct. 17, 1699, read. [*Board of Trade.* Journal, 13. *pp.* 243–245; *and* 97. *Nos.* 200–202.]

Nov. 13. **931.** Minutes of Council in Assembly of Barbados.

The Hon. Thomas Sadleir was appointed Chief Judge of the next Court of Oyer and Terminer.

The Account of John Duke, Commander of the Watch of the Magazine, ordered to be paid.

Lt.-Col. George Peers and Thomas Horne appeared as sureties for the Treasurer, Lt.-Col. Richard Downes. [*Board of Trade.* Barbados, 66. *pp.* 385, 386.]

Nov. 14. Philadelphia. **932.** Col. Quary to the Council of Trade and Plantations (?). The enclosed copy of my letter to the Admiralty will inform your Lordships of the present state of affairs here. I have only this to add, that I never laboured under more difficulty than at present. I believe Governor Penn would have prevented in a greate measure, if it had beene in his power. I hope your Lordships will joyne with the Lords of the Admiralty in mainetaineing the powers and jurisdictions of the Admiralty in this Government. I presume Governor Penn will see his mistake and recall his late comissions, if your Lordships please to writt to him. It is very hard that this should be the only

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Government in America that doth oppose the authority of that Court. *Signed*, Robt. Quary. I have paid Governor Penn all the respect and service in my power, and have represented all matters here to your Lordships and the other great boards as much to his advantage as I could. *Endorsed*, Recd. 23, Read Jan 27, 1700. *Holograph.* 1 *p. Enclosed,*

932. i. Col. Quary to the Lords of the Admiralty. Philadelphia. Nov. 14, 1700. I am favoured with a letter from your Secretary, June 28, informing me that your Lordships promise that I shall be reimbursed the charges that I have been at in seizing ye Pirates. I have received also Sir Charles Hedges' opinion in answer to the queries I stated to you. I could wish he had been more particular. The reason I troubled you was that about two years since there was a vessel condemned here belonging to some Scotch merchants, who appealed to the High Court and brought an inhibition under the seale of the Admiralty. As soon as they produced it, I ordered a copy of the Record to be sent home. When they saw that they could not frighten me into compliance with them, they submitted to the decree of this Court. Knowing my own weakness, I sent to England for the advice of learned men in several matters, which occur in your Lordships' Court here. Amongst many other things, they have given it under their hands that ye Parliament have invested ye Admiralty Court in ye Plantations with more ample power than in England, for by the Act of ye 7th and 8th, etc., all causes arising from the Act of Trade, etc., and particularly by that Act, shall be tried in ye Courts of Admiralty held in ye respective Plantations, thereby made local, but in England in Westminster Hall, that they conceive no appeal lyes on those Actions to ye High Court of Admiralty in England. Perhaps they are mistaken and Sir Charles Hedges is in the right; however, I thought it was a sufficient warrant for me to state ye matter to your Lordships and to expect your directions, tho' by so doing I find I have disobliged Sir Charles. For upwards of a year and a half ago there was a ship [the *Providence*, See *Cal. A. & W.I.* 1699. *No.* 426] seized by the King's Officer belonging to Hull, John Lumby, master, as having no Register. A Court of Admiralty was appointed where he appeared with his Council, and all the Quaker Magistrates of this place, not out of kindness to the man but prejudice to the jurisdiction of the Admiralty. After hearing the case argued, I concluded myself under a necessity of condemning the ship, but, so great a regard had I to the Equity of the cause that, instead of at once ordering the sale of the ship and goods, I ordered the goods into the King's Store and left the ship to the Master's care, that

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the merchant or owner might try if they could get any redress at home. The merchant went to England, but after eight or nine months wrote to his friends saying that there were no hopes of recovering the ship and goods. At length after a year, upon the Marshal's report that a great deal of the goods were rotten, I ordered them to be appraised and to be disposed of as the Law directed, one-third to His Majesty, one-third to the Governor, and one-third to the prosecutor. At the master's request I have retarded the sale of the ship for above a year and a half, and all the return I have is to be abused and railed at. About four months ago the Master desired me to help him to purchase his ship again on easy terms. I prevailed with the Governor to remit his share, the prosecutor most of his, and promised to ask the Commissioners of Customs to get the King's part remitted. He was grateful, but as soon as the Quakers heard of it, they told him he would be ruin'd for ever if he bought the ship, and promised to get his ship for him without any charge. For their end was to raise all the clamour they could against the Admiralty, and not be(en) seen in it themselves, but to make use of other people, which they have so effectually done, that after more than a year and a half there is an inhibition granted from the High Court of Admiralty with extraordinary powers of the first impression in America, impowering those very Scotchmen before mencioned to execute the same. They hitherto secreet the inhibitions from me, to obstruct my making my applications to your Lordships by this opportunity. I cannot believe Sir Charles Hedges could know the circumstances of these men. All the clamour and intrigues is carried on in masquerade by the inveterate enemies of the Admiralty jurisdiction. I will quickly find a way to unmask them. They have already rais'd all the reflections and affronts they could devise on the King's Advocate and myself, giving out that we were sent for to England, there to be fin'd to our ruin, and that whatever we do will be made void at home. I took no notice of all this till I found that they had prevail'd on Governor Penn so far as to make him violate that solemn promise which he was pleased to give me and so often confirm, vizt., that he would not in the least invade ye rights and jurisdiction of the Admiralty, but that I should exercise all the powers of your Lordship's Commission, tho' he thought there were some things that bore hard on him, however, he would content himself with a Representation to your Lordships. But now he hath granted Commissions to all the Sheriffs of the Counties, by which in effect he hath broke into the jurisdiction of the Admiralty

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and invaded almost all ye (? *its*) powers. I have discourst him about it, who is pleased to assert it as his right, and that the Admiralty hath no jurisdiction within the body of the County, so that consequently if I must not execute the powers of your Lordships' Commission within the body of the County, then I must go out of the Capes, which is out of this Province and that of West Jersey, and beyond my Commission. I was extreamly surprised to hear this doctrine from Governor Penn after so many promises to the contrary. All the discourse of the Country is that the Admiralty Court is taken from this Province, and that now Governor Penn hath appointed officers to execute the powers of that Court. For my own part I have charity enough to believe yt he would never have taken those measures were he not under a necessity of complying with his Quaker friends, especially at this juncture when they are setting in Assembly and he expects considerable supply from them. I know the temper of those men so very well, that I am sure they will not part with their mony unless they can govern as they please, so that Governor Penn is reduced to this great streight, if he complys with his friends here, then he must violate all his promisses, which he hath made at home for supporting the King's Authority in his Government, and if he doth not comply with them, he must not expect any mony from them. I doe heartily wish that silence in this case were consistent with my duty. There ought to be no time lost in re-establishing the King's authority, and your Lordships' powers in the Government. In relation to the Inhibition, I desire that you will be pleased to order that ye King's Advocate and Council may attend this cause to defend His Majesty's intrist and stop ye reversall of this decree. I could wish that Sir Charles Hedges had been pleas'd to have heard what I could have said before he had granted such an extraordinary Inhibition. If I have made any wrong steps it's the Law that hath misguided me. I hope Sir Charles will give such rules and directions as may make us safe, or send over from England a person that is well read in the Law. Governor Nicholson knew that I did not pretend to the Law, which was the argument that I made use of to excuse my executing the powers of your Lordships' Commission. However, he was not pleased to allow of any excuse. I am sure no man in America ever took more pains to serve His Majesty than I have, and perhaps with as good success, espeatially considering what a sort of perverse people I have had to struggle with. Your Secretary acquainted me your Lordships had under your consideration the sending of a small vessel

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for the security of this place in respect of Trade and Pyrates. There was never more occasion than now, for all the Tobacco of the Province is ingrossed by ye Scotch merchants, and at such rates that I am sure none that designs a fair trade can afford to give it, and then the Curesaw Trade is carried on more than ever. In my former I gave you an account that I had seiz'd and condemned a vessel belonging to the Scotch, but all the goods were safely landed first. I expect that they will bring an inhibition on that decree, tho' the master of the vessel was an evidence against her. They tell me plainly that they do not value what is done in your Lordships' Court of Admiralty here, for they can have it all reverst in England. About ten days since here arriv'd another vessel from Curesaw, with abundance of iron, clarett, wine and all sorts of lining manufactory, in so great a quantity that it is sold here as cheap as they can be bought in England, which is a very great discouragement to all fair Traders, nor is it possible to prevent this evil without a small vessell. I am now in a hot pursuit after a discovery of this business, but do find all persons so very cold and unwilling to concern themselves that I must do all myself or nothing will be effected. Hitherto I have had little encouragement, having serv'd His Majesty these three years at my own cost, which I am confident you will please to consider in due time. Since the account of these inhibitions the Magistrates interfere with most of the maritime affairs that happen here, particularly lately between a Master of a Bristol ship and his seamen in relation to some disturbance on board at sea and in the harbour, and committed one of his seamen to prison, to remain till their Quarter Sessions, and when application was made to me by the seamen, the Master was backed by the Justices and encouraged to slight the Admiralty power, withal assuring him that they would clip its wings by complaints home. Yesterday I had a letter from Governor Penn, who is now at Newcastle with his Assembly, where the Scotch Commissioners live. He is pleased to write to me that they will not serve me with the inhibition till the ship [by which this goes] is ready to sail. I beseech your Lordships to consider how barbarously they use me. However, I resolve in the morning to ride down to them, which is 40 miles, yt if it be possible I may have a sight of the inhibition, that so I may take care to pay due obedience to the High Court of Admiralty in all things. *Signed*, Robt. Quary. *Endorsed*, Recd. Jan. 23, Read 27 do. $170\frac{9}{1}$. $7\frac{3}{4}$ *pp.*

932. ii. Duplicate of preceding.

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932. iii. Copy of proceedings of Court of Admiralty, May 12 and 13, Philadelphia, relating to the *Providence*. (See *Cal. A. & W. I.* 1699. *No.* 426.iii.) *Endorsed*, Recd. Jan. 23, 170$\frac{0}{1}$. 3 *pp.*

932. iv. Duplicate of preceding.

932. v. Copy of Governor Penn's Commission to Thomas Farmer, High Sherif of the County of Philadelphia, to execute the office of Water Bailiff. "The twentieth day of ye 4th month in ye 12th year of the Reign of William ye 3rd of England, etc., King, and in the twentieth year of my Government, 1700." *Signed*, Wm. Penn. *Endorsed*, Recd. Jan. 23, 170$\frac{0}{1}$. 1 *p.*

932. vi. Duplicate of preceding.

932. vii. Mr. Moore to the Lords of the Admiralty. Philadelphia, Nov. 9, 1700. Upon the rumours of some inhibitions granted by the High Court of Admiralty to vacate the sentence given May, 1699, against the *Providence*, I beg leave to say that I acted therein with a sincere zeal for the King's service, and hope your Lordships will give graines for my defects, which the proceedings will grossly discover. If the stress lye upon the forme or method of the proceedings, 'tis past a question they will bee annulled, for how can it be expected that a warp'd, byass'd and ignorant Register, would methodize his records fit for the scrutiny of the learned Court? *etc. Signed*, Moore. *Endorsed*, Recd. Jan. 23, 170$\frac{0}{1}$. 2$\frac{3}{4}$ *pp.*

932. viii. Copy of preceding. 2 *pp.*

932. ix. Col. Quary to [? Lords Commissioners of the Admiralty]. Philadelphia, Nov. 14. His Excellency Governor Nicholson was here lately in his way to New York and returne, he had the misfortune to be very sick all the time he was there, but was so well recovered, that he returned to his Government by land. I gave him the state of affairs here, which he ordered me to represent to your Lordships in a more particular manner than I have done in my general letter. I have represented all things to your Lordships and the other great Boards as much to the advantage of Governor Penn as possible I could, concluding that he had been sincere in his promises of maintaining the powers of your Lordships' Commission, but I find that all was but pretence to serve an end, which he concludes is now fully answered, having made all things easy and smoth at home, and now that he hath gained that point, he is pleased to run counter to all, as will appear by the Commission I enclose. I very well know that he would not have appeared so bare-faced, had not his Quaker friends forced him to it by keeping their purse-strings close, and showing him that without removing the Admiralty there was no hopes of money.

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They found by experience there was no forcing me by storm from my post, and therefore, ever since Mr. Penn's coming thither, they have employed all their malice, interest and cunning to undermine me. All this intrigue about the inhibition hath been managed by Mr. Penn ; it was he that contriv'd to put in those two Scotch Merchants for Commissioners, that he knew were prejudiced to the Admiralty and me, and hath taken care to be the Principal himself, he hath promised the Quakers to return his share, and will be no looser by it. At the same time that he is thus undermining he treats me with all the shew of friendship and kindness. I am not Courtier enough to pay him in his own coyne, but have dealt above-board with him, and let him see that I was no stranger to his endeavour of undermining the jurisdiction of the Admiralty, both by private ways, and by his public Commissions. The whole Government are spies, not only on my publick actions, but on my private concerns, but, God be thanked, I have no favour to ask of them, but it is uneasy to live always in a state of war. I am very willing to continue in your Lordships' service till I can see the powers of the Admiralty are established in this Government, and then I hope you will please to fix on a person better qualified. I do most humbly beg of your Lordships that you will please to discourse Sir Charles Hedges, and desire him to propose some method, or rules, to prevent all misunderstanding betwixt the High Court of Admiralty and your Lordships' Court in the Plantations, that so all things may be carryd on smoothly, for the least difference is attended with a very ill consequence. *Signed*, Robt. Quary. *Copy*. 2 *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 72, 72.i.–ix. ; *and* (*enclosure* i. *only*) 26. *pp.* 411–431.]

Nov. 14. **933**. Talbot Edwards to the Council of Trade and Plantations. "A supplíment to my report concerning Barbados, (*No.* 928.i.) showing why that place cannot with safety be fortified any other wayes than what I have already proposed." Tower, Nov. 14, 1700. *Signed*, Talbot Edwards. *Endorsed*, Recd. Read Nov. 26, 1700. 2 *large pp.* [*Board of Trade.* Barbados, 8. *No.* 61 ; *and* 45. *pp.* 171–176.]

Nov. 14. At Mr. Auditor Byrd's. **934**. Minutes of Council of Virginia. Quit-rents of the Counties ordered to be sold with 10 per cent. abatement for the Sheriff's salary in collecting the same and with a preference for any of the Council, should they wish to purchase. In cases where no contractor offered, ordered that the Sherif of the County be instructed to offer them for public sale. Warrants issued to the Sheriffs for the Collection of the quit-rents.

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His Majesty's Letter, July 2, 1700, concerning arrears due to Sir Edmund Andros, read and referred. Ordered that Mr. Auditor Byrd prepare an account of the Public Revenue from April 25—Dec. 1700.

Ordered that all Naval Officers and Collectors appear at the City of Williamsburgh, Dec. 5, to make up their accounts with Mr. Treasurer and Mr. Auditor Byrd.

Ordered that Capt. Passenger's accounts for his sick men be first examined and then laid before the Council, Dec. 5.

His Excellency laid before the Council a letter from the Commissioners of Customs, Sept. 5, 1700. Ordered that the Collectors transmit accounts of duties as requested.

Ordered that M. de Sallee render an account, Dec. 3, what French were carried up to Manikin Town and in what state they now are, what money he hath received from England for their use and how it hath been disposed of, as also to lay before the Council copies of all the transactions betwixt him and Dr. Cox relating to the said French Refugees. [*Board of Trade.* Virginia, 55. *pp.* 39-43.]

Nov. 15. Whitehall. **935**. Council of Trade and Plantations to the Earl of Rumney, Master General, and the Principal Officers of H.M. Ordnance. We have received your letter of the 12th, and return you our thanks for the copy you send us of Mr. Edwards' report. We make it our further desire that you would favour us likewise with his journal, and such plans as he took for the better fortifying any part of Barbados. We also entreat you to let us have a sight of the report, or Journal, which was given you by Mr. Sims, decd., and such plans as he may have left of St. Christopher's or any other of the Leeward Islands, for the better security thereof, His Majesty having required us to make a General Report on all these matters. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney. *P.S.*—All papers and plans that you may send us, shall be returned to you. [*Board of Trade.* Barbados, 45. *pp.* 138, 139.]

Nov. 15. **936**. Edward Randolph to the Council of Trade and Plantations. The state of the Bermuda or Summer Islands. The Islands lie so conveniently that they protect and secure the Trade from England to all H.M. Plantations on the Continent of America and Carribbee Islands; but if they be overtaken by surprize or otherwise by the French or Dutch, which may easily be done at this time with 500 men, they will command all the trade in those parts of the world, which, if so, will not be soon retaken. They were upon their first settlement under a Governor and Council, as formerly Virginia was, and divided into eight Tribes or Parishes, each Tribe into 25 shares, and every share into 25 acres, and the spare land lying near the Fresh Water in every Tribe was ordered to be laid out for building of houses and for gardens and other easments to be adjoined to them, that the people might inhabit more comfortly, as in towns. The Company resided always in London, and did sometimes send them

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over a Governor, and sometimes appointed one of the inhabitants to be their Governor, who greatly oppressed them, taking their lands from them without a Judge or Jury, insomuch that their Charter was vacated (Charles II.) and those Islands put under His Majesty's immediate Government.

Sir Robert Robinson was appointed Governor by Commission under the Great Seal, with sufficient salary for his support. He put in all his officers, making Rich. Ashworth, a Blacksmith, his Naval Officer, and afterwards the High Sherif of those Islands, and Terrill, a Waterman, Capt. of one of the Forts. He turned Mr. Trott, the Collector of H.M. Customs, out of his office, and imprisoned him six weeks in the Castle, by his own arbitrary warrant, and made Tho. Burton, a stranger and of no estate, to be the Collector in his room, saying the Commissioners of H.M. Customs had no power to appoynt their officer, where His Majesty had sent a Governor. In like manner did all the succeeding Governors, putting straingers in all the places of trust, and neglected the men of the best estates, fit for those employments and born in the country. But Mr. Day exceeded them in all manner of oppressions and injustice. He turned the best men of parts and good estates out of the Council, and imprisoned them. *Names of former and present Members of Council given.*

There are about 1,500 families in Bermuda. The Militia consists of about 1,000 men able to bare arms. They were formerly commanded by Col. White, turned out by Mr. Day. They are generally well armed. There is one Chapple at St. George's, where Mr. Kendall, a Church of England man, is the Minister; and eight parish Churches, some whereof have gleab-lands. Mr. Foule, an Independent preacher, is itinerant from one Church to another. Mr. Day receives the profit of the glebes and the lands given for public schooles, and has taken to his own use a great part of the Church plate. Two practitioners of physick. It hath three convenient harbours, the tide at the spring rises four or five feet. One Town Harbour, where is 16 foot at high water; the entrance is secured with two small forts built upon two rocks; that to the Northward is called Queen's Fort, where are seven guns mounted, lately commanded by Capt. Len White, the other to the Southward, called Smith's Fort, has about six guns; it is very much out of repair. Castle Harbour(s) has 18 foot at high water, that is secured by a good Castle on an Island on the S.W. side of the entrance, where are 28 iron and two brass guns mounted; it was commanded by Capt. Jno. Peasely, a man of a good estate and native, well qualified for that trust, but turned out by Mr. Day, and put in the hands of Mr. Jones, Provost Marshall. There is on the other side of the entrance a battery of about ten guns, upon an Island also. There is a brest-worke at St. George's Town with nine guns, which secured the vessels at an anchor in the harbour. Elyes [? *Ellis*] Harbour at the West end of the Islands; it has 14 foot at high water; the entrance is difficult and used only by small vessels; it is secured by a small fort, having four guns. 170 navigators able to take charge of vessels, and carry them to most known places of trade.

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50 shipwrights, five smith forges for ship work ; 76 vessels built in the country, and all of ceder, of which four are ships of about 100 tuns ; six Briganteens from 40 to 60 tuns ; 60 sloops from 30 to above 40 tuns, nine of which were lately taken by Fardivando, the pyrat ; 3 or 400 small two-mast boats for fishing and other occasion upon the water ; 500 saylers, most of them natives of the Islands, being about 400 white men and 100 negroes and molattos, of which number above 60 sail out of Jamaica, and above 30 out of Carasaw, where they manage the trade with the Spaniards, for want of encouragement at home ; nine fortifications in all, some useless ; a good Engeneir is much wanted there ; 76 guns, of which not above ten iron guns are serviceable. Ammunition and stores under the Court House. There are in the magazine at St. George's 38 whole barrels and five half barrels of gunpowder, when Mr. Day entered upon the Government, as I was credibly informed, Feb. 27, by Jno. Rawlings, the store-keeper ; but there was not above three barrels, when I left the Island, July 13.

The first Planters made great quantities of tobacco, most part whereof was brought to England ; some have made sugar, most places in those Islands very proper for it. They formerly sent great quantities of oranges yearly to England and to the Northern Plantations on the Continent, and get Estates, but since the orange-trees are blasted and their ground barren and over-run in many places with very small insects (which they call ants), they cannot raise Indian corn and provisions sufficient for their use, but are foreced to fetch it from Carolina and the Northern Plantations, and now they make but little tobacco, so that they have no staple commodity growing upon their Islands. They sometimes carry fish, onions and cabbages, of which they have great quantities, and sometimes oil to Barbados and the Leeward Islands. The small vessels go in their ballast and load salt at the Bahama Islands or Salt Tertuda, which they carry to Carolina, whence they bring provision, and get but little by those voyages; other(*s*) cut brazelett [*braziletto*] wood at the Bahamas, which they sell at Curasau with their sloops making their returns in pieces of eight and Hollands manufacture.

The inhabitants have been greatly discouraged by the severities and most unjust proceedings of their Governors, (1) by imprisoning the Chief of the Council and others at their pleasure (Sir Robt. Robinson and Mr. Day) ; (2) by imprisoning the Officers of H.M. Customs and turning them out of their places, putting their servants and confident[*s*] in their rooms, the better to carry on their illegal trade (Sir Robt. Robinson and Col. Goddard) ; (3) by seizing and condemning vessels, which had the misfortune to touch upon the rocks, demanding extravagant fees, and putting the owners to great loss before they can have them of Mr. Day ; (4) by stopping of vessels loadin with onions and cabbages, etc., under pretence to stay for the Governor's letters, by which their voyages are overthrown (5) by making straingers the Sheriffs and to continue them several years in that office, who, after they have done many

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unlawful things to the inhabitants, run away in their debts; (6) by making owners of vessels pay ten pieces of eight for the registring their vessels, tho' of but 30 tun, whereas in other parts they pay not above two for all charges; (7) by exacting from the tenants of the King's hands as much more quit-rent yearly as they paid in the former Governor's time.

For redress of some of these grievances it is humbly proposed :—

(1) That your Lordships will be pleased to have the opinion of the Judge of the Court of Admiralty in England touching the Vice-Admiral's fees about vessels running aground upon the rocks, and also about wreck-goods which are found upon the Spanish coast or other places not belonging to Bermuda or other of H.M. English Plantations.

(2) Vessels not to be stopped under pretence to carry the Governor's letters, and, if above 48 hours and upon urgent occasions, then by order of Governor and Council.

(3) Owners of vessels to pay but two pieces of eight for all the charges of registring their vessels.

(4) That the Sheriffs be chosen out of the inhabitants only, and to continue in their office but for one year, as in England.

(5) That the tenants of the King's Lands pay to the Governor no more quit-rent yearly than was paid in Col. Recteir's time. And that the inhabitants may build for themselves houses in Charles Town or other common lands laid out for townships without paying for the ground or for raising stones to build them. And as much as Mr. Day and some of his predecessors have taken to themselves the profits of the gleabs and other lands given for maintaining ministers and schoolmasters, that the succeeding Governor demand all those rents, and take care that they be applied to the end for which they were given, and that he demand of Mr. Day the Church plate, linen for the Communion table, and books. And finally, as the best and only means for preventing the succeeding Governors from oppressing the inhabitants by arbitrary practices, as has been formerly done in those Islands to raise a maintainance, it's humbly proposed that the Governor of Bermuda have an allowance not less than 500*l.* a year, to support them in their Government; provissions and all necessary being very scarce and deare. *Signed*, Ed. Randolph. *Endorsed*, Recd. Read Nov. 6 [*sic.* ? 16*th*] 1700. *Enclosed*,

936. i. Copy of Sir Robt. Robinson's warrant for imprisoning Samuel Trott, Feb. 2, 1688. 1½ *pp.* *Endorsed*, Recd. Nov. 6, 1700.

936. ii. Capt. Peasly to Ed. Randolph, giving an account of stores in the Magazines of Bermuda. July 11, 1700. *Signed*, John Peasly. *Same endorsement.* 1¼ *pp.*

936. iii. Capt. Peasly's account of stores wanted for the forts in Bermuda. July 12, 1700. *Signed*, John Peasly. *Same endorsement.* 1 *p.*

936. iv. An account of the plate, linen and books brought over to the Bermudas in H.M.S. *Maidstone*, by Governor Day, for the Chapel. The Chalice and Covert, the Bason and Salver, the Bible and Linen for the

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Communion have been converted to his own private use by the Governor, the linen given for the use of the Communion being cut out of a piece of ordinary cloth and made up in this Island, vizt., one table cloth and two napkins. Of the 14 Prayer-books for the use of the Chapel, there is none disposed of to that use, excepting one to the Minister and one to the Clerk. *Signed*, Jno. Kendall. July 12, 1700. *Same endorsement.* 1 *p.* [*Board of Trade.* Bermuda, 4. *Nos.* 47, 47. i.–iv. ; *and* (*without enclosures*) 30. *pp.* 118–128.]

Nov. 15. **937**. Journal of Council of Trade and Plantations. Order of Council, Nov. 5, upon a remonstrance from East New Jersey, together with a memorial from Mr. Bass with extracts of some letters relating to the same subject were read. Copy of the remonstrance ordered to be sent to Mr. Dockwra to be by him communicated to the Proprietors, that they may answer in writing without delay.

Order of Council, Nov. 5, upon a petition of the Lord Baltimore, relating to two Acts of Maryland, which he conceives to be prejudicial to his right and property, was read Ordered that the said Acts be looked out in order to the considering of that matter the next meeting.

Letter from the Board of Ordnance read. A letter to that Board ordered.

Acts of Barbados further considered. Ordered that the Agents of that Island be reminded of what was writ to them, Nov. 6. [*Board of Trade.* Journal, 13. *pp.* 246, 247 ; *and* 97. *No.* 203].

Nov. 16. Whitehall. **938**. William Popple to William Dockwra. I send you here inclosed, by order of the Lords Commissioners of the Council of Trade the copy of a remonstrance that has been presented to His Majesty in the name of the inhabitants of the Province of East New Jersey, which His Majesty having referred unto their consideration, their Lordships desire you to communicate the same to the Proprietors for their answer in writing without delay. [*Board of Trade.* Proprieties, 26. *pp.* 348, 349.]

Nov. 18. Whitehall. **939**. Mr. Secretary Vernon to the Council of Trade and Plantations. I have laid before the King your letter of Oct. 31 concerning Nicholas Gellebrand and His Majesty thinks it reasonable that he be discharged, in case your Lordships have no objections. I desire you will let me know whether you have any reason why he should not be set at liberty. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Nov. 19, 1700. 1 *p.* [*Board of Trade.* Maryland, 4. *No.* 19 ; *and* 9. *p.* 562.]

Nov. 18. **940**. Minutes of Council of the Massachusetts Bay. Committee appointed to consider methods for reviving Trade, and to enable the inhabitants of this Province to pay public taxes by endeavouring to find out some suitable medium to supply the scarcity of money.

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Committee appointed to prepare a draught of the methods of proceedings in the several Courts within this Province.

200*l.* paid to Thomas Brattle to be laid out upon the fortifying of Castle Island.

Wages due to Major James Converse, the soldiers under his command, and the workmen employed for erecting a Trading House and Fort at Cascobay, audited and paid.

6*l.* paid to Michael Perry and Benjamin Eliot, Booksellers, for printing the Acts of the Assembly, March 1699, and binding a book.

19*l.* 6*s.* paid to Bartholomew Green, Printer, for printing Proclamations, Acts, etc. [*Board of Trade.* Massachusetts Bay, 2. *pp.* 20–22.]

Nov. 19. Office of Ordnance.

941. Board of Ordnance to the Council of Trade and Plantations. In answer to your letter of 15th present, we send by the bearer Mr. Edwards, the journals and draughts you request, and desire you will please to let us have as soon as you can conveniently the said draughts again, to remain in this office for His Majesty's service. *Signed*, C. Musgrave, Ja. Lowther, Wm. Boulter, Jon. Charltone. *Inscribed*, Feb. 3, the draughts were delivered back to Mr. Edwards. *Endorsed*, Recd. Read Nov. 26, 1700. 1 *p.* *Enclosed*,

941. i. Copy of Journal of Talbot Edwards, Engineer, relating to fortifications of Barbados. Sept. 28, 1697, I landed in Barbados, and having delivered my letters to the Council, and learned from Mr. Lands that he had not long since surveyed the Island, because the Council would give nobody to assist him, I moved the Council, Oct. 5, 1697, who thereupon gave and promised assistance (*See Cal.* A. & W.I. 1697, *No.* 1376), and I gave him instructions for his survey. In the course of his work Mr. Lands was taken very ill, but I got a surveyor to give me Needham's Point to be doing with, for which I designed a new Fort, informing the Council that since Carlisle Bay is the chiefest place for shipping and trade it ought to be first secured, and Needham's Point was the best situation to command the ships that come into the Bay. The present Fort is too small and not tenable. With one man of war and a bomb vessel it might be easily taken in a few hours. (Dec. 13, 1697.) With my letter and design the Council were so well pleased that, rather than not have it built, they said they would contribute very largely to it out of their own pockets, and so sent them to the Assembly. But owing to feuds and animosities between the two Houses, the Assembly did not meet, except to adjourn, till April 12, 1698. Since they could not see their way to raising the money for the fort, I advised the fortifying of the town, as the next thing necessary to be done, as well to check the insults of the negroes as to be the grand place of retreat. I was then summoned

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before the Council, May 10. 1698, when I found that some of them did not approve of my design, for they pretended it would be a needless charge, since the town might nevertheless be bombarded from the sea, and they were therefore of opinion it would be better to fortify some high place in the country. They desired me to give my reasons for fortifying the town and to see the places they thought advantageous. I sent them my reasons accordingly, May 17, 1698, *quoted*. No answer being given to my letter, and finding that their continual quarrels knock all manner of public affairs on the head, I addrest myself to the Assembly, May 17, 1698, who replied (*as Cal.* A. *and* W. I. 1699, No. 954, iii.). Now though I had your Lordships' orders to return home, yet in respect to the Council's commands and the Assembly's request I went a second time with the Commissioners on that parching shoar, and, May 24, 1698, proposed that their own surveyors should provide me with drafts of the coast to carry home with me, and then I could send over my designs and what is necessary to be done. This much pleased them. They gave me 50*l.* for my voyage and 100*l.* for a present, which was looked upon by my friends as very mean. However I thanked them, and glad I was of my going from that unhealthful part of the world, where, besides many inconveniencys, the dearness of living made me out of pocket, which to repair, I laid out the country's gift in sugars, etc., for England, and that being sunk with my cloaths, etc., makes me looser by above 400*l.* *Endorsed as preceding.* 11½ *pp.* [*Board of Trade.* Barbados, 8. *Nos.* 60A, 60A. i.; *and* 45. *pp.* 140–171.]

Nov. 9. (should be 19). **942**. Memorandum of letter from the Board of Ordnance to the Council of Trade and Plantations. *Endorsed*, Recd. Read Nov. 26, 1700. ¼ *p. Enclosed,*

942. i. Abstract of the proceedings of Hugh Sims, engineer, in Antego and other Leeward Islands. 1691–1698. *Same endorsement.* 7 *pp.* [*Board of Trade.* Leeward Islands, 7. *Nos.* 8, 8. i.; *and* 46. *pp.* 117–124.]

Nov. 19. **943**. Journal of Council of Trade and Plantations. Acts of Maryland complained of by Lord Baltimore laid before the Board. Secretary ordered to acquaint his Lordship, when he calls, that in pursuance of the representation of this Board, Nov. 29, 1699, the Act *ascertaining the laws of that Province* having been repealed, one of the Acts complained of, for *Ascertaining the Bounds of Lands*, is thereby repealed also; and the other Act, for *limiting the time for payment of obligations in that Province*, in consequence of the said representation and repeal remains only in force as it was past there in May, 1695, but not as revised and confirmed

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in 1699; so that if his Lordship thereupon have anything to offer in pursuance of his late petition to His Majesty he may please to do it in writing.

Letter from Mr. Secretary Vernon, Nov. 18, concerning Nicholas Gellybrand, read.

Letter from Sir Henry Ashurst, Nov. 1st, together with the draught of a charter desired by the Government of the Massachusets Bay for Harward (*sic*) College in New England, enclosed in that letter, were read.

Nov. 20. Mr. Crown presented to the Board his title to Penobscot, which was read, and whereas it is therein said that Sir Thomas Temple was committed to the Tower for having exceeded his commission in the delivery of that country to the French, Mr. Crown was directed to lay before the Board a copy of that Committment in order to the proof of that matter of fact. And further mention being therein made of several patents and other deeds relating to the title to that country, he was directed to bring an extract of ye Boundaries exprest in each of those several meetings, in order to the better clearing of all doubts thereupon. [*Board of Trade.* Journal, 13. *pp.* 248–250; *and* 97. *Nos.* 204, 205.]

Nov. 20. **944.** Memorial of Mr. Crown's title to Penobscot and other lands adjacent. *Endorsed*, Recd. Read Nov. 20, 1700. 9¼ *pp.* [*Board of Trade.* New England, 11. *No.* 26; *and* 38. *pp.* 314–328.]

Nov. 21. **945.** Journal of Council of Trade and Plantations. Upon consideration of the Acts of the Leeward Islands past by Col. Fox, and of Mr. Attorney and Mr. Solicitor General's opinion about his right to assume that government, ordered that Mr. Attorney and Solicitor be desired to call here to-morrow or Tuesday in order to the further clearing of that matter. [*Board of Trade.* Journal, 13. *p.* 251; *and* 97. *No.* 206.]

Nov. 25. / Dec. 6. Rio Issequebe, Fort Kyk Overal. **946.** Samuel Beeckman to the Dutch West India Company, Middelburgh. The *Castell Sonburgh* brought 188 head of fairly good negroes, without having lost any on the journey. If the Company could only have such luck every time, this growing Colony would prosper more and more and [*we should not have*] such losses as to our sorrow we have, through mortality and death of negro slaves, seeing more than 300 barrels of sugar rot upon the fields. None the less, all other matters are as could be wished. Our newly cleared plantations are satisfactorily burned, which gives us hope of making up for the loss of the poor deceased, and that your worships may be encouraged to send more good slaves, which we again humbly request you to do. On Oct. 22 arrived from Surinam a young gentleman named Pieter Bockestein, sent to Surinam with express letters of introduction to the Governor, Mr. Van der Ween, from the King of Great Britain, recommending him to be hospitably received and helped to collect all sorts of

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curious feathered and other animals, shells, seeds, plants, etc. And as His Excellency was of opinion that the said curiosities are more to be obtained here, he sent him hither, and we have received him as desired.

Matters are going well with the Company's new Plantations, *Middel en Souburg*. We are busy with the masonry for the coppers. *Asks for two new coppers and a new main-sail for the Yacht.* The state of this Colony is more and more blessed by the Almighty. *P.S.—Four European servants have just died. Signed*, Samuel Beeckman. *Inscribed*, Read Feb. 28 (*N.S.*) 1701. 6 *pp.* Dutch. *Style very obscure.* [*Colonial Office Transmissions*, 457. *No.* 5.]

Nov. 26. **947**. Mr. Crown's memorial, relating to the bounds of Nova Scotia and Penobscot, with the lands belonging to it, as expressed in Cromwell's Patent, and the deed of partition. *Endorsed*, Recd. Read Nov. 26, 1700. $1\frac{3}{4}$ *pp.* [*Board of Trade.* New England, 11. *No.* 27; *and* 38. *pp.* 329-331.]

Nov. 26. Whitehall. **948**. Mr. Secretary Vernon to the Council of Trade and Plantations. The King commands me to send your Lordships a copy of the agreement lately made by Capt. Munden and Consul Cole with the Government of Algiers. I likewise send you the Dey's letter to His Majesty on that occasion, as well for your information as that you may give such directions as you shall judge proper, to the end all the ships belonging to His Majesty's subjects may be duly furnished with passes before the end of Sept., 1701, to prevent the inconveniences that may otherwise happen to them. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read Nov. 27, 1700. 1 *p. Enclosed*,

Aug. 22. Algier. 948. i. Dey of Algiers to the King. The reason of your Majesty's sending the squadron of ships, which arrived in this our Bay a few days since, is, we understand by the Commodore and your Consul, to have the time prolonged for supplying your Majesty's ships with passes. We grant twelve moons to come from this date, and promise in case any of our Captains should presume to molest or bring up any of your Majesty's subjects unprovided of passes before the termination of the twelve moons, that we will, on your Consul's appearing before us, deliver to him ships, men and goods, being previously resolved to maintain inviolably every Article of our Peace. In order thereto I promise for the future that none of our ships shall presume to infringe on the VIII Article of our Peace by going into your channel or otherwise, and if any of our ships now abroad shall have trespassed on that Article, on the Commander's return hither they shall be punished according to the severity your Consul shall desire. Which promise we hope will excuse us from anything heretofore acted by our predecessor contrary to the Articles between your Majesty and us. Dated

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at our Antient Palace in the Warlike City of Algier, the 17 of the Moon Moloote (Aug. 22). *Signed*, Mustapha Dey. *Copy.* 2½ *pp.*

948. ii. (1) Copy of confirmation of the Treaty with Algier (1682), and the additional articles, Aug. 17, 1700. (1) Confirms in particular the VIIIth. Article. (2) Declares that no passes shall be required from any of the English ships in any part of the world till the last of September, 1701. After that time, if any ship of England be seized not having a pass, the goods in that ship shall be prize, but the Master, men and ship shall be restored and the freight immediately paid to the Master to the utmost value as he should have had if he had gone safe to the Port where he was bound. (3) On the arrival of any of the King of Great Britain's ships of war, an officer of the Government shall immediately attend at the mould all the day time during their stay, to prevent any disorder or misunderstanding happening. *Signed* and *sealed*, in Algier in the year of the Haggira, 1112 (Aug. 17, 1700), Mustapha Dey, Mustapha Aga, Ali Pashaw. *Copy.* 2¾ *pp.* [*Board of Trade.* Plantations General, 5. *Nos.* 76. 76, i., ii.; *and* 35. *pp.* 350-356.]

Nov. 26. **949.** Journal of Council of Trade and Plantations. Letter from the Board of Ordnance, Nov. 19, read. The papers therewith transmitted were laid before the Board. Mr. Edwards presented to the Board a supplemental report relating to Barbadoes in addition to his former report. In explanation of his draughts and reports, he informed their Lordships that he believed the Royal Citadel proposed by him, which he thought ought to be placed at the West End of Bridge Town, towards Bagnal's Point, might cost about 100,000*l.*, and the Fort at Needham's Point, 20,000*l.* Those two forts, he said, would sufficiently defend Carlisle Bay. Yet he thought it convenient that some slight works should also be thrown up about the Bridge Town. Upon which their Lordships, considering the vast charge of those forts, and the little appearance that it could any wayes be complyed with, returned to him the draughts of the two forts, and desired him to draw others that might be of less charge. Ordered that copies be taken of the other draughts before they be returned to the Board of Ordnance.

Mr. Attorney and Mr. Solicitor General, having excused themselves by reason of the business of the Term, ordered that they be desired to call here on Tuesday morning. (*See* Nov. 21.)

Stationer's Bill and Post Officer's Bill passed and ordered to be placed to the Bill for Incidents, shortly to be laid before the Lords of the Treasury.

Memorial from Mr. Crown, relating to the boundaries of Nova Scotia and Penobscot, read.

Nov. 27. Letter from Mr. Secretary Vernon, Nov. 26, read. Directions given for preparing an answer, as likewise letters to all the Governors of Plantations with copies of the agreement referred to it.

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Several letters from Governor Blakiston considered. Directions given for preparing an answer. Secretary ordered to write to Lord Baltimore to give instructions to his agents in Maryland (*See* Nov. 27, *No.* 950). [*Board of Trade.* Journal, 13. *pp.* 252–257 ; *and* 97. *Nos.* 208, 209.]

Nov. 27. Whitehall. **950**. William Popple to Lord Baltimore. The Council of Trade and Plantations having several times given directions to the Governor of Maryland and to Mr. Penn for running the division line between the Provinces of Maryland and Pensylvania in pursuance of the late King James' Order in Council, Nov. 13, 1685, and having lately understood from Col. Blakiston that your Lordship's agents there had declined to meddle therein for want of your orders about it, their Lordships have commanded me to mind your Lordship that you may be pleased to give directions by your agents for the finishing and settling of that so necessary business. [*Board of Trade.* Maryland, 10. *p.* 4.]

Nov. 27. **951**. Minutes of Council of New York. Daniel Toy, one of the land and tide waiters, informing the Council that he and William Sell, another land and tide waiter, had seized the sloop, *Bachelor's Delight*, John Roberts, master, for breach of the laws, at Oyster Bay, ordered to bring her down to New York for trial in the Admiralty Court.

50*l.* 10*s.* 3*d.*, due to John Peterse Melott, blacksmith, for iron-work done in the fort, ordered to be paid to Nicholas Blank, his creditor.

Petition of John Crevitt read and referred.

Upon the petition of the officers in His Majesty's Fort, ordered that John Depeyster, Commissioner of the Customs, provide bedding for the soldiers there.

His Excellency produced the letter of the Council of Trade, Aug. 1, 1700, with the Lords Justice's Order in Council, whereof he had sent a copy to Col. William Smith, the Chief Justice, requiring him to observe it. Payments ordered to Benjamin Fennile, Aaron Bloom, blockmaker, Col. Abra. Depeyster, Isaac Brazier, carpenter, Samuel Phillips, smith, Nicholas Jemain, John Sipkins, ——— Bondett, Capt. Collvill, Fredrick Phillips, Barent Ryndersen, Isaac de Mill, Thomas Guest, Thomas Parcell, Richd. Willett, Francis Vincent, George Elsewordt, Isaac Depeyster, John Davie, Abraham Kipp, Samuel Staats, for work done and materials and provisions supplied for the *Fortune*, going for England with timber for His Majesty's Navy. [*Board of Trade.* New York, 72. *pp.* 386–393.]

Nov. 28. Whitehall. **952**. Council of Trade and Plantations to Mr. Secretary Vernon. We are preparing letters to the Governors of all His Majesty's Plantations, with copies of the agreement received Nov. 26, and shall therein direct them to give due notice that all persons concerned provide themselves with Admiralty passes against the end of September. And in the meanwhile, as for merchant ships that may sail out from hence upon voyages where

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such passes will be requisite, we offer it to your consideration, whether it be not necessary that public notice be given of this agreement, either by proclamation or at least by an advertisement in the Gazette, that they may also furnish themselves with passes, according to their several occasions. *Signed*, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Math. Prior. [*Board of Trade.* Plantations General, 35. *pp.* 357, 358].

Nov. 28. New York. **953**. Governor the Earl of Bellomont to the Council of Trade and Plantations. My last letter was of the 28th of last moneth in the Newport frigat, and gave you an account of the mutiny of the souldiers. The gate of the fort was but shut the moment they attempted to march in, led by Corporal Morris, since shot to death for his mutiny, and with him Robt. Cotterel, who had been an ensign in the late King James' Popish Army in Ireland. The Court Marshal (*sic*) condemned four to be shot; but I saved Richd. Fleming and Jonathan Wilford. Four of the Members of the Council made part of the Court Marshal, as the Act directs, which we passed this last session against mutiny and desertion; and they were so very timorous, that after they had try'd and condemn'd the above four men to be shot, they were afraid the sentence should be put in execution; and therefore addressed me that the execution should be respited, and at the same time deliver'd me a paper of Reasons. I asked them why they consented to the Act, since they were afraid of its being put in execution. But it seems some of the lawyers here had put it into their heads that in time of peace it was against the law of England to exercise Martial Law, and that they ran a hazard of being ruin'd, if the mutineers suffer'd death by their judgment. The lawyers here they knew very well, I told 'em, broke English laws every day and were disaffected to the present Government of England, and therefore they ought not to give credit to 'em. Besides, I told 'em I was sure those lawyers had no tendernesse towards the criminals, but they hop'd that an impunity to these men would quickly cause another (and a worse) mutiny, and to see the souldiers turn instruments of mischief and confusion, was what the Lawyers here expected and wish'd for. The Act for punishing mutiny and desertion, in accordance with the King's instructions, which we passed here in April or May was twelmoneth, was drawn by Mr. Graham, but when I would have try'd three deserters at Albany, I found it defective, for Mr. Graham has therein referr'd to an Act pass'd in England during the late war for the punishment of those offences, and he has not nam'd the year wherein it pass'd, and the Act for punishing mutiny, etc., in England having been renew'd every session of Parliament, and generally with some variations too, I would not venture to try those deserters by Mr. Graham's act. This last Act pass'd the last session was drawn by Mr. Gouverneur, Speaker, and myself, and we therein followed as near as we could the Act of the 4th and 5th of William and Mary. It was a happiness that it pass'd so seasonably to punish some of the mutineers. I send a list of the Acts we pass'd this last session.

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One repeals that wch I sent you by the *Newport* frigat and gives His Majesty a 1,000*l.* by a land tax, and there being 500*l.* raised by that wch I then sent home, the King will have the sum I demanded of the Assembly at my coming from Boston, wch was 1,500*l.* for building a fort at the Onondages' country.

I have not seen Mr. Graham these three moneths ; he has been and still is at his house eight miles off, and pretends himself sick, but was not so sick but that he had like to have plaid me a trick, and have lost this mony Act, if I had not been very circumspect. Mr. Graham's talent is at a trick. He has endeavour'd to play me a great many, but I have been always on my guard wth him. If another Attorney General were not to come from England, I would have remov'd Mr. Graham some time since, for his neglect and falsehood, and doing no manner of service in his post for more than a year past. I will give Mr. Popple the trouble of an accusation against Mr. Graham by this conveyance, and if at any time there be an occasion for it he will be able to lay it before your Lordships.

In my letter of 24 Oct. I gave your Lops. an ill piece of news of my messengers being stop'd, whom I sent to open a trade with the Dowaganhas and other remote Indians, and that by our Five Nations, who were put out of humour by some of those Indians falling on and killing some of ours. The *Newport* was no sooner gone when there came a message to me from the French *Coureurs de bois* by John de Noyou and Louis Gosselin, two of their body. I acted cautiously with them, not knowing how sincere they were ; but I am apt to believe they were sent by those hunters, because that at my first going to Albany Jean Rosie, a Frenchman, and Samll. Yorke, who both came from Canada at different times, told me some of those hunters had spoke to them and assur'd 'em they would come and offer me their service, and quit Canada for ever. These two men confirm'd to me the account I writ your Lops. of Capt. Courtemanche's going with 30 men to the Dowaganhas country to call home the French hunters, and offer them the Governor of Canada's pardon, but they assur'd me those hunters are firmly resolv'd not to trust that Governor, nor accept of his pardon, if they may be receiv'd and protected by me. If I could manage our Five Nations to my mind, I make no manner of question of fixing a trade with the Dowaganhas, Ottowawas and all those remote Nations, which the French have gained a trade with. But we have at Albany some men as angry and disaffected as any are in New York, and those men are industrious to the last degree to crosse all my measures with the Indians, but they do it so cunningly that I cannot prove it upon 'em. Mr. Livingston assur'd me that to his knowledge there was a pact or league between Col. Schuyler, Major Wessels, Mr. Dellius, the late Minister, of Albany, and as he thought one Banker made the fourth man, and some of the principal Sachems of the Five Nations, whereby those Sachems obliged themselves to transact nothing of business without the privity and approbation of those four men ; and that they had made several presents to the leading Sachems at the King's charge.

1700.

Those four men and one Pinhorn were they that Col. Fletcher granted the Mohacks' land to. But that which makes me mention Col. Schuyler and some of the rest of his faction in this place is the reason I have to suspect they have been infusing a jealousie into the Indians, insomuch that they are now grown averse to our building a fort at Onondage. Col. Romer is return'd from viewing that country, and assures me the Indians entertain him coldly and rudely, and the Chief Sachem of that Nation, Decanissore, caution'd him not to begin the fort till all the Five Nations were consulted in it. I send Col. Romer's account and Mr. Hansen and Mr. Van Brugh's Journal, these two last are Commissioners appointed by the Assembly to inspect the building of the fort. If Col. Schuyler and his party have been playing tricks with the Indians to put 'em out of conceit with our building a fort in the Onondages' country, as 'tis not doubted but they have, I thinke it the greatest piece of insolence imaginable, and may prove of very ill consequence to the publick ; they knowing too, that the King has approv'd of a fort there, and that I have His Majesty's commands to build one. Col. Schuyler is brother-in-law of Mr. Nichols, who is the most sensible man of the party, and the hottest, and if Nichols's influence on Schuyler will push him on to put the Indians out of conceit with a fort, Schuyler will not fail to do it, who is said to be entirely govern'd by Nichols in everything. And after all, if the Indians be unwilling 'twill be impossible to build a fort anywhere in their country.

Mr. Livingston was as active in opposing a fort in the Onondage's country as anybody, and was the man that pen'd the Albany addresse to me against it. Col. Romer is mightily discouraged because the officers of the Ordnance will not comply with the King's commands in allowing him 30*s.* a day as he had when he left England. He is resolved to go to England in spring, and there will be a necessity of sending over another engineer immediately ; but if the Board of Ordnance send over such a one as they would have sent with me before they had the King's positive order to send Col. Romer, they had better send none. Col. Romer has got a rupture, which the Phisitians here say will kill him, if he goes not to England to be cur'd.

Your Lordships lately propos'd to me the trying to make tar with the souldrs ; but you cannot believe that when they mutiny for English pay, and without working, they will be contented to work for lesse than English pay. 12*d.* sterl. per day is, I am confident, the very least reward that can be given 'em while they work. The people in New England are as penurious as any I have met with, and last May's session the Captain of the Castle was question'd by the Assembly why he had no better men in garrison. His answer was that no good men would serve for that pay, which was then 5*s.* per week for each private centinel, besides meat, drink and lodging. Whereupon the Assembly order'd 6*s.* per week for each private man's pay, besides meat, drink and lodging ; and I was present when the agreement was made for their diet, viz., 3*s.* 6*d.* per week each man all summer,

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and 3*s*. 9*d*. all winter. Now take each man's weekly pay and subsistence together and it makes 7*s*. sterl. per week. I proposed but 6*s*. sterl. for each souldr. per week in my scheme. I desire your Lordships will consider this maintenance of the Boston souldiers, and then whether it be reasonable or honest to impose such a hardship on the officers and souldiers here, as a deduction of 30 per cent., or whether it can be expected they should work at that rate. Shall I venture to offer my advice how to put these four companies on a better foot, and that with little more charge than the King is at now ? The truth is we want more Captains to keep our souldiers in better order. 'Tis the wisest thing the French do in their whole military discipline, to have their regiments double and sometimes treble officer'd. I should humbly advise, then, that our companies were made eight, and regimented; the King may make me Colonel, or who else he pleases. The Lt. Col. I would have to be the Lt. Gov. of New Hampshire, and the Major made Governor of Albany, where the people are very lawlesse and unruly. There are a great many worthy gentlemen and good officers at half-pay now in England. Let some of the best of 'em be put into the posts I have been naming; then there will be room for a Lt. Col., a Major and two Captains. I would have a particular care taken in the choice of these officers, that they be men of good military skill, and sober, discreet men; and I would have the field officers and captains to be of the Council in this Province and New Hampshire. One of the captains I would have to be a good engineer. In case of such an establishment, there will be need of four Lieutenants more, and two of them I would have to be good master gunners for this fort and Albany. I believe this is so reasonable a proposal, that I fancie the King would easily consent to it.

The best course I could take for securing our Five Nations were to go and live a year at Albany, where I would watch the behaviour of Col. Schuyler and his associates, and let the Indians see that the King has entrusted me with the management of them, and not Schuyler and his friends, as I have been told he and they suggested to the Indians. I could by that means too prevail with them to let me build a fort in their country; and without a fort in the Onondages' Country I am clearly of opinion I shall never be able to ingage the remote Nations of Indians to come and trade with us; for our Five Nations will as often as the others bring their peltry towards us, intercept and cut 'em off, which besides the hindrance it will be to their trading with us, will maintain a constant hatred and war between those nations and ours, that in a few years will end in the total extirpation of ours, and the Governor of Canada will lend a helping hand to it. I must be so free with your Lordships as to tell you that unlesse care be taken to provide an honble. maintenance for me, and certain, I must go to Boston next spring to make sure of their annual present of a 1,000*l*. that money. I were to blame if, because I am neglected at home, I should neglect myselfe here.

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I acquainted you that there was no attempting to make tar here, till the Act for vacating some of Col. Fletcher's grants were approved by the King. Nor can I cut one stick of timber for the King's use till then. The ship-timber I sent home in the *Fortune* was cut on the land granted to Capt. Evans by Col. Fletcher, and while it was shipping one Janeway comes from England (who had been purser of the frigate commanded by Evans and pretends himself Evans' Attorney) and threatens to arrest the timber and sue Mr. Latham, that cut it, for damages. Latham is so frightened that he hath been twice or thrice with me about it; your Lordships may judge whether I can be easy, when I am no better supported in the execution of the orders I receive from England. Certainly the Parliament who have not scrupl'd breaking thro' all the Irish grants last session, will not hesitate a minute to break all the grants made by Col. Fletcher. There's a world of difference between grants made immediately by the King and some not without a valuable consideration, I mean where the grantees have done faithfull services to the Crown, and grants of almost a whole Province by an upstart corrupt Governor. In my opinion that matter ought to be laid before the Parliament, and let them judge which will most import the Nation; to be furnish'd from hence and N. Hampshire with naval stores and ship-timber, or to justifie Fletcher's corrupt sale of three-quarter parts of the lands in this Province, and Col. Allen's pretension to all the lands and woods in N. Hampshire, and a good part of the Massachuset's Province. Mr. Penn, when he was here, told me that he was visited by Col. Bayard, who told him he paid Fletcher a 150*l.* for his grant. There are two or three grants by other Governors before Col. Fletcher, that are extravagant too.

I have made a bargain with two men for masts, incouraged thereto by your Lordships' direction; which if they perform, will prove the best bargain for the King that ever was yet made. The articles, bond and instructions, which I send, are of my own drawing, for I was forc'd to venture at the drawing them myself, to keep this design secret from some evil people at Albany, who are wicked enough to hinder the good effects of such a bargain by persuading the Mohack Indians either not to part with their woods to the King, or to hold 'em up at an extravagant rate. Some of the people at Albany, upon my sending Mr. Latham and these two undertakers last year to view those woods, began to practise with those Indians, and persuade 'em that each of those great pines for masts was worth 50 beaver-skins. Mr. Latham assures me there are pines enough in those woods on the Mohacks' River, to furnish the Navy with masts three thousand years to come. The 24 masts I have articled for will serve a first- and second-rate man-of-war. The biggest in Mr. Taylor's contract was 37 inches diameter. I have agreed for two masts of 40 inches diameter, which will be a rarity when sent home. These pines, I fancie, will be found to grow on Mr. Dellius's grant in partnership with Col. Schuyler, Major Wessels, Capt. Barker and Mr. Pinhorn. Therefore it behoves your Lordships to get that Act confirmed by the King, which

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vacated some of Fletcher's grants. I wish your Lordships, when you directed me to send masts from hence, had also propos'd a fund out of which they should be paid for. I have been forc'd to borrow some of the money from the Collector, which was granted by the Assembly for the Fort at Onondage, to advance to the undertakers for the masts. April 1 there will be 600*l.* N. York money paid to them, which will be about 400*l.* sterl., and for which I must draw bills on the Navy Board, which I will do at a moneth's sight, and enclose them to your Lordships that they may be surely answered. This bargain of mine for masts reveals the mystery you desire me to resolve you (April 19). For if I procure that the King shall have his masts from hence for one fourth, or near it, of the prices paid to Mr. Taylor, 'tis a sure argument that the King was not well us'd in the contract with Taylor, and that is the mystery I meant. I cannot but flatter myself that this bargain for masts is a very valuable service to the King and all his dominions, for here is a sufficient store for all, and I hope you will recommend it as such to the King. I believe I shall save the King 15,000*l.* a year in the articles of masts, boltspritts and yards, and more. I desire you will order a fly-boat or hag-boat of 1,500 ton to be here by the last day of April next, and I will load her with masts and principall ship-timber, that shall be worth to the King at the rates he now pays 4,000*l.* over and above all charges, if these undertakers furnish me with boltsprits and yards as well as masts, as they have promised to do, and I am myself to set the prices of the boltsprits and yards. Such a fly-boat that fair weather season may be sail'd with 20 hands. I find Mr. Bridge was out of the way in allowing 35 men to navigate a ship of 500 tons. They laugh at him here for it, as they do for valuing knee-timber and standards for a ship of war at half a crown a foot, when Mr. Latham and some other ship-wrights here are positive that knees and standards for marchd. ships never sell under 4*s.* a foot in England, and 5*s.* a foot for a man-of-war.

I send a list of the Militia in this Province, of which the officers have been so particular as to send me all the names of the private souldiers; but those in Massachusets have only return'd their own names with the number only of souldiers in each Regiment, and the same course those of N. Hampshire have taken. I much question whether the Militia in Massachusets be so numerous as 'tis return'd on the list. I send an Address of the Representatives last Session about the bounds between East Jersey and this Province, and desire your Lordships will please to give some order therein.

Last May's session at Boston we pass'd twelve Acts of Assembly, which I doubt not but Mr. Addington has long since transmitted. We were much applied to by the Indians, who I thinke are barbarously treated in many parts of that Province, but little was done for their relief. The Act passed for *preventing abuses to the Indians* has a specious name, but the House of Representatives left out the most useful clause in it. The Council were unanimously for this clause, but t'other House

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would not endure it. One remarkable fraud I must observe to your Lordships that was put on the poor Indians in Nantucket Island. The representative that served for that island (one Mr. Coffin), came to solicite me and the Council to pass an Act to restrain the Indians on that island from trading with Rhode Island; the Indians had before complain'd to me how hardly they were us'd by the English, and Mr. Coffin own'd the whole matter there, viz.: that the English had bargain'd with the Indians that half of the Island should be for the use of the Indians to sow Indian wheat on, but that when the crop is off the land, the grasse of that land is to belong wholly to the English. So that those Indians, now that they would keep cattle and live as the English do, are not able, or rather are not suffer'd so to do. This is such a circumvention and fraud as ought not to be suffer'd, and so I told Mr. Coffin before the Council, and I declared I would not give the assent to any Bill that should put a further hardship on those Indians. Nantucket Island is much commended for goodnesse of soil, and there is great store of sheep on it. 'Tis 16 miles long and 6 or 7 broad, the English there are 300 souls and the Indians 800, and said to be the soberest, best sort of Indians in America. There are, I fear, many such instances of harshnesse to the Indians in that Province, which is not the way to propagate Christianity among 'em. At my first going to Boston, a multitude of complaints were brought me by the Indians from all quarters of that Province. They call'd me the Great Governor and expected a speedy redresse of their wrongs, but I had not the power of doing 'em right. The better sort of people there are troubled for the Indians, but are not able to help 'em.

I shall now say something to the Trade of these Provinces, to shew the present loose ill management of it. But first I will explain my letter of June 22, where I say that these plantations are capable of imploying 1,000 ships and 20,000 seamen more than are at present imploy'd by England. I have thought of that position of mine very much, and I cannot but be of the same mind, that by due encouragement of Naval Stores and cultivating vineyards to furnish all the Dominions of the Crown with wines of our own growth, the proposed increase will be accomplished. On the subject of Naval Stores I will say not more than to put your Lordships in mind that Col. Nicholson and Mr. Penn believe that ship-timber may be sent to England from these Plantations with good advantage. My Lord Bacon in his Essay on Plantations expresses himselfe in such a manner as if he had in view England's being furnish'd with Naval Stores, timber, pot-ashes and silk from America, and I am of opinion all those severall species may be plentifully furnish'd to England from these Plantations, if care were taken to encourage the design in the beginning. 'Twere rashnesse in me to declare this upon my own simple judgment, but men of the best experience and knowledge in these Provinces agree with me in opinion that what I have now offer'd is practicable. As to the propagation of wine in these plantations, to supply all the Dominions of the Crown,

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I can easily make that appear. In the first place nature has given us an index in these plantations that points to us what may be done in that by the help of art ; there grows wild grapes in all the woods here in very great abundance. I have observ'd 'em in many places, but especially above Albany on the side of Hudson's River, where the vines all along twine round great trees and fair clusters of grapes appear sometimes above 30 foot from the ground. I have eaten of the wild grapes, which I thought were tastfull enough, only somewhat harsh as an effect of their wildnesse. In the next place experience tells us that good wine has grown in the Naraganset country, where severall French families seated themselves, and where (as I have been credibly inform'd by some Frenchmen) there would have been by this time above 500 French families, had they not been most barbarously persecuted and driven away by the people of Rhode Island. The French found the climate and soil in the Naraganset country proper for vineyards, and that dispos'd them to settle there; and I was told by some people at Boston that tasted of some wine that grew in that country, that they thought it as good as Bordeaux claret. I remember Major de la Valliere told me they had begun to plant vineyards and make wine about Montreal in Canada, and that it was a good table wine, but that the Court of France, fearing it might prove prejudicial to the wine trade of France, forbad their making any more wine in Canada, so that they were forc'd to bury their vines before they could destroy them. 'Tis to be observed that Montreal is at least five degrees more Northward than N. York. Mr. Bourn, a marchand at Boston, who came from Carolina last Feb. assur'd me he drank very good wine there of their own growth, that was as strong as any Lisbon or Port-wine he ever tasted. Without doubt South Carolina would produce wine that would equal any we have from Spain or Portugal, and these more Northern Plantations, as far as the Naraganset country, would produce a lighter sort of wine, such as Burgundy and Bordeaux claret. A litle before my leaving Boston, some of the French that had been routed out of the Naraganset country, came to see me, and among other things, they recommended the planting of mulberrie trees in these countries for breeding silk-worms and making silk ; they told me that improvement would quickly and easily be brought to passe, for that a mulberry tree of two years growth is fit for the silk-worms. The woods in all these countries abound with mulberry trees, that bear a luscious fruit that's long in shape, but they told me the leaves of these wild mulberry trees are so thick and hard that the silk-worms could not feed on 'em. Certainly, if raw silk could be furnish'd from these Plantations and manufactured in England, it would be a very useful commodity. I will next say something of making salt and pot-ashes, because I will trace my Lord Bacon in all his notions relating to the productions that these Plantations would afford, for the advantage of England and of the English Planters here. The Lieut.-Governor and near 20 of the most considerable marchands at Boston imploy'd a Frenchman to make a salt-work there ; some hundred bushels

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of salt were made, but these countries being subject to much thunder and lightning, the thunder showers (which are very frequent) spoils and hinders their making salt, which could they make a quantity of, would be a treasure to that people. I have seen and tasted of it. It has qualities that no other salt has that I ever saw or heard of; it has a fragrant smell; it cures fish and flesh without hardening it as other salt does, neither has the fish or flesh that fiery, pungent saltnesse which is given by other salt. As to pot-ashes there have been some experiments made at Boston, and they pretend to the right art of making it, but the dearnesse of labour is the main impediment, for the woods are infinite. Some of the marchands were trying, when I came from Boston, to hire the Indians to the eastward, to work pot-ashes for 'em, but the Indians are so proud and lazy, that 'tis to be fear'd they will not be prevail'd with to work. It concerns your Lordships in my humble opinion to promote and incourage all these trades I have been mentioning, for the mutual advantage of England and these Plantations; I think I have sufficiently shewn the faisibility of all or at least the chief of them, and if that be granted me, then I am sure my computation is not very wide of the truth, that a 1,000 ships and 20,000 seamen will be imploy'd more than are at present. And that trade, and the benefit arising from it, will for ever bind these Plantations in a firm dependance upon England. Then these people will find their account in being of a piece with England, and there's no bond of union so sure and lasting as that of interest. To my certain knowledge, the people of Boston Government and those here are very uneasy for want of returns to England, their imports of English goods do so over-ballance their exports of the commodities of these countries, that it makes 'em almost desperate. Last May's session at Boston somebody had laid a paper on the Council Table without any name to it, wherein 'twas desired that the Assembly would take notice of the decrease of trade, and thinke of ways to quicken and revive it. Some gentlemen of the Council were thereupon very warm, and express'd great discontent at the Acts of Trade and Navigation, that restrain'd 'em from an open free trade to all parts of the world; they alleg'd they were as much English as those in England, and thought they had a right to all the privileges that the people of England had; that the London marchands had procur'd those restraining laws to be made on purpose to make the people of the Plantations go to market to them. This happened June 25. A trade from these countries to England for ship-timber and such things as I have before propos'd would remove all manner of dissatisfaction and clamor from these people effectually, and would make 'em easy and happy. The beaver trade here and at Boston is sunk to little or nothing, and the market is so low for beaver in England that 'tis scarce worth the transporting. I have been told that in one year, when this Province was in the possession of the Dutch, there were 66,000 beaver skins exported from this town, and this last year there was but 15,241. 'Tis a sign of our Five Nations being mightily diminish'd, but that is not all. That commodity is

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grown almost quite out of use, which is of ill consequence to our Indians, for as it falls in price in England, it must necessarily do so here. A few years ago beaver skins sold in London at 14*s.* a pound, and then there the Custom was but 4*d.* per skin; now beaver is fallen to 5*s.* per pound in England, and pays 9*d.* per skin Custom here, 3*d.* per skin freight, and 12*d.* when 'tis unship'd in England, which is a mighty damp on that trade, and a great discouragement to our Indians. I believe it may be worthy your Lordship's consideration, whether it may not be proper to make beaver and all other peltry from this Province Custom-free both here and in England, both for the advantage of our Five Nations, and to draw the remote Nations to trade with us, but at the same time I can give good reasons why this Province alone should have that priviledge; first, this being the frontier Province, and where the Indians, as living in this Province must always be treated and manag'd for the interest of the Crown. And perhaps that method being us'd to keep up the price of beaver and other peltry here, may be a means of drawing the Eastern and other Indians to come and settle in this Province. Secondly, this being the only Northern Province that gives the King a standing Revenue, perhaps it were not amisse that the King shew'd that mark of his acknowledgment to this people to countenance an Act of Parliament in England and an Act of Assembly here to take off entirely the Customs here and there of all sorts of peltry exported from N. York, and to let the neighbour Provinces and Colonies see the difference the Government of England makes between a people that contribute largely to the support of Government, and those that do not contribute at all.

Last April I examin'd the registers of all the vessels in the three Provinces of my Government, and found there then belong'd to the town of Boston, 25 ships from 100 ton to 300; ships about a 100 ton and under, 39; brigantines 50; ketches 13 and sloops 67; in all 194 vessels. To other towns in that Province there belong'd then about 70 vessels of all sorts, whereof 11 were ships of good burthen. To N. York there then belong'd 6 ships above, and 8 under a 100 tons; 2 ketches; 27 brigantines and 81 sloops; to N. Hampshire at that time 11 ships of good burthen; 5 brigantines; 4 ketches and 4 sloops. I believe one may venture to say there are more good vessels belong to Boston than to all Scotland and Ireland, unless one should reckon the small craft, such as herring-boats.

Their staple in the Massachusets Province is the fishery; their codfish consists of three sorts, viz.: marchandable, midling and refuse. The marchandable is subdivided into great marchandable and litle. The great they send to Bilboa and Cales, the litle to Lisbon and Oporto. The median or midling fish they send to the Canaries, the Madeiras and Fial [? Fayal] and also to Jamaica; the refuse cod they send to Barbados and the Leeward Islands. They compute at Boston that they ship off 50,000 quintals of dry fish every year, about three-quarters whereof is sent to Bilboa. Last year the fish sold at 18*s.* a quintal on the coast where 'twas

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taken, and this year it has fallen to 12*s.* a quintal money of N. England. I ask'd the meaning of the fall of the price, and the marchands told me they knew no other reason, but that the French fisheries had glutted the markets abroad. Cod that's taken on the coast of this continent yields 2*s.* a quintal more at Bilboa than that which is taken off Newfoundland, because 'tis taken all winter, and in cold weather is better cured. There are other sorts of fish, which they salt and send to foreign markets, viz.: hake, hadock, and polock, and some mackrel, which are much larger than I ever saw in England. The marchands reckon upon 50*l.* per cent. by the returns they make for their fish from Bilboa to Boston, and when they return their money from Bilboa to London and there invest it in goods for Boston, they then reckon upon cent. for cent. profit.

Some fishermen have been sent this last spring and summer to try all the coast of this Province for cod, and the coast of Rhode Island, but could find none. I do not find there is any cod to be found to the westward of Cape Cod, which is in the Massachusets. So that if we make out our eastern bounds as far as the River of St. Croix, yet the French will have thrice as much of the fishing coast as we shall. They will have all the coast of Nova Scotia, the Bay of Fondi [*Fundy*] along the Isles of Cape Breton, Peru, and Antecosta and the Gulph of St. Lawrence. If these Plantations be not restrain'd from carrying ship-timber to foreign markets, it will mightily hurt our fishing, that breeds the hardy seamen. The Bostoners may be said to be the carriers to most of the other Plantations. They carry too from Boston horses and lumber to Barbados, Jamaica and the Leeward Islands. I indeavour'd when I was at Boston to find out one year's imports and exports, that I might compare the trade of that Province with this of N. York, and with N. Hampshire. But I found greater uncertainty in that of Boston than the other two. The Deputy Collector there is Commissioner of the Imposts. He told me that when ships come in the masters swear to the manifests, *i.e.*, the number of parcels they bring, but the contents unknown. Then the marchand comes and produces an invoice, and whether true or false, 'tis left to his ingenuity. The Commissioner at my desire took an account of all goods imported from England to Boston from March 1, '9$\frac{8}{9}$—March 1, $\frac{'99}{1700}$) and, according to the several invoices, those English goods in that year amounted to 120,000*l.* Boston money. He said he believ'd there came in bona fide about 30,000*l.* more. Col. Courtland tells me there was this last year imported at 2*l.* per cent. (which is the duty on English goods) here at N. York to the value of 60,000*l.*, the duty having amounted to 1,200*l.* this money.

Pescattaway in N. Hampshire would in some years excell Boston in the fish trade, if they were denied the liberty of carrying ship-timber to foreign parts. They are much better seated for the fishery than Boston is. Some marchands at Boston, with whom I discours'd sometimes, about the trade of that Province, and what proportion it carried with the trade of

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N. York, and that of N. Hampshire, computed that Boston had four times the trade of N. York, and N. York four times the trade of N. Hampshire, but I afterwards examin'd the entries and clearings of all the three Custom-houses, and found that the trade of N. York was almost half as much as that of Boston; and the trade of N. Hampshire (except for timber and about 1,300 quintals of fish) not the tenth part of the trade of N. York from Dec. 25, '98—Dec. 25, '99.

If it were not for Col. Fletcher's intollerable corrupt selling away the lands of this Province, it would outthrive the Massachusets Province, and quickly outdo 'em in people and trade. The people are so cramp'd here for want of land, that several families within my own knowledge are remov'd to the new country (a name they give to Pensylvania and the Jersies). For (to use Mr. Graham's expression to me and that often repeated too), what man will be such a fool to become a base tenant to Mr. Dellius, Col. Schuyler, Mr. Livingston (and so he ran through the whole role of our mighty Landgraves), when, for crossing Hudson's River, that man can for a song purchase a good freehold in the Jersies? But Mr. Graham has since chang'd his note and turn'd tail. But his being false to the King, does not make the breaking all these grants lesse honest, or less necessary for the publick good. Now that I speak of the lands of this Province, I must acquaint your Lordships that Mr. Ranslaer's grant of 24 miles sqnare, in the center of which stands the town of Albany, was not of Col. Fletcher's passing, neither was Mr. Livingston's, of 16 miles long and 20 or 21 miles broad. Mr. Nichols, I am told, has as extravagant grants as any, that his land reaches about 30 miles in length on Nassau Island, which is the prime part of this Province. I know no merit Mr. Nichols has except his being broker between Col. Fletcher and the Pyrats, and being disaffected to the Government, and the chief incendiary and author of faction here, may pass for vertues. Otherwise his grants ought to be look'd into as soon as any of the rest. If I am rightly inform'd here will be a world of corruption and fraud discover'd in most of these extravagant grants, not only in respect of their vastnesse, but because they have swallow'd up the lands of abundance of private families, who are thereby ruin'd. Some bills were offer'd me the two last sessions of Assembly (besides a great many petitions), which I refus'd giving the assent to, till the Judge and Attorney were come from England to make a strict inquiry into the titles of lands, and advise the best method for doing justice in that case.

I believe no part of the King's dominions is under so loose a management as these Provinces are, or that practice unlawfull trade so much. I have some reason to believe that all their returns at Boston from Spain and Portugal for the fish they send thither are not hard pieces of eight as they would persuade the world, and they will not want the product of those countries the shortest and cheapest way, which to be sure is not by the way of England. There is a great trade between Boston and Newfoundland, and I have been told there is a constant trade between St. Sebastian

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and Newfoundland, and that there is great store of French and Spanish wines and Spanish iron in Newfoundland. If the marchands of Boston be minded to run their goods, there's nothing to hinder 'em. Mr. Brenton, the Collector, is absent and has been so these two years ; his deputy is a marchand, the two waiters keep public-houses, and besides that, that coast is naturally shap'd and cut out to favour unlawful trade, as well as this of N. York. The town of Boston for want of a due regulation is also contriv'd for that purpose. I sent Mr. Shanon, the Naval Officer, to take an account of the wharfs or landing-places in Boston and Charlestown, which is opposite, Charles River running between ; and he brought me a list of 63 wharfs in Boston and 14 in Charlestown. 'Tis a common thing, as I have heard, to unload their ships at Cape Ann and bring their goods to Boston in wood-boats. There is also a constant trade carried on between Boston and Quebec, Port Royal, Fort St. John, and Penobscot River, where one M. de St. Castin lives. I have more than ordinary reason to believe this, a certain marchand at Boston having made me the compliment to offer me a partnership with him in that trade, which he said would be very beneficial, but I refused to be concern'd. He afterwards own'd to me he had 2,000*l.* worth of English goods proper for the market in Canada, and when I was last at Albany, some Mohack Indians revolted to the French, brought some peltry with 'em from Canada to truck for duffles and strowds, but complain'd of their dearnesse, and said that English woollens were much cheaper at Quebec and Montreal than at Albany, and that they would carry their peltry back to Canada, which for ought I know they did. The Governor of Canada has no such complaisance for us. The peltry trade is prohibited under a great penalty. That Government had guards a great way within our bounds this year to prevent it. And to give a further proof of that Governor's caution therein, I send your Lordships the copy of his passe to L' Espérance, a Frenchman, who came to look after a brother of his taken prisoner during the late war, wherein he is forbid to bring away any peltry from Canada.

Here at N. York the marchands run all the goods they can, and too much unlawfull trade there is. That from Madagascar seems to be at a stand at present, and I thinke piracy too is in its wane. The marchands here are very angry at my ordering both the frigats this last summer, if they met any ships in their cruise coming from Madagascar, to search 'em, and if they found any pyrats or their goods on board to seize and bring in the ships to this port. At that time there were three Madagascar vessels expected, and least the frigats should meet 'em, their owners sent out, as I am told, no lesse than nine sloops to cruise without the frigates, to give their ships notice, which put 'em to a great charge. Soon after, the news came that one of the Madagascar ships (belonging to Frederick Phillips) was taken by one of our East India ships, and two others by pyrats ; this put our marchands a madding, and their rage redoubled against me, as if I had been the occasion and means of that and all their

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losses, and 'tis said they curs'd me plentifully. I have watch'd the ships trading between this place and Holland as nicely as I have been able, but never could find they traded thither or from thence hither without touching and clearing in England as the law directs. Therefore I am apt to believe Dr. Davenant is mistaken (and his author too, Sir Josiah Child, whom he quotes in the 2nd part of his discourses on the Revenue and Trade of England, in what he there advances of an unlawful trade carried on between the Menades and Holland; Menades is the French name for this island of N. York, taken, I suppose, from the Indian name Manhattan. There is a considerable trade, I know, from hence to Curacao and Surinam for flower, pork, peas and other provisions; and the vessels that carry them to those places pretend always to return in ballast. There is a town call'd Stamford in Conecticot Colony on the border of this Province, where one Major Selleck lives, who has a ware-house close to the sound or sea that runs between the mainland and Nassau Island. That man does us great mischief with his ware-house, for he receives abundance of goods from our vessels, and the marchands afterwards take their opportunity of running them into this town. Major Selleck receiv'd at least 10,000*l.* worth of treasure and East India goods brought by one Clark of this town from Kidd's sloop, and lodg'd with Selleck. I can have no account of them. Clark was a prisoner here on that account, and gave security that he would make an ample discovery on oath how all that treasure and the goods were dispos'd of. But I have not seen him, and whenever he appears he is suppos'd so profligate that he will not value what he swears.

I send an estimate of Col. Romer's of the charge of fortifying the frontier of this Province, and of the country that lies eastward of Massachusets Province. How necessary those fortifications are, and how the money is to be had for building them, must be submitted to your Lordships. Pescattaway is a most noble harbour, lying full upon the main sea; the entrance into it is 14 fathoms deep at low water, and 19 fathoms deep in some places within the harbour, and up at the town of Portsmouth the biggest the King has will lye against the bank of the town. So that, if ever England should thinke it a good point of husbandry to build ships of war cheap, Pescattaway will be the properest place for it. I know that at Boston they pretend to build marchand ships 40*l.* per cent. cheaper than they could be built in England, and why the same proportion should not hold in ships of war, I cannot conceive. King Charles II having complemented the French King with the draughts of our best ships, and thereby given vent to that precious secret, there will no objection lye against building ships of war at Pescattaway, but more of that hereafter. The reason why Col. Romer and I agreed it would be necessary to bestow more cost than ordinary on the fort at the River of St. Croix, and at the extremity of our frontier in this Province nearest to Canada, was because those two forts will be the most exposed, and more especially that at St. Croix, because thither a fleet can come and help to attack the fort. The

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harbour of N. York ought to be well fortified, or 'tis odds if this town be not laid in ashes the next war we have with France.

Last session of the Assembly at Boston the enclosed petition was delivered me and the Council by the ministers of the Church of England and vestry men. Your Lordships will best judge whether the prayer thereof was reasonable. The Council would give it no countenance. They said that the Act against incestuous marriages was found to be good and usefull, and that the King had been pleased to approve and confirm it in England, and they did not see cause for breaking in upon a good law to please the humours of a few men. The truth is, I have been inform'd, some loose people have sometimes come from England, and married in N. England, though they had left wives behind them in England, and this law was calculated chiefly for prevention of such marriages. If a minister of the Church of England will be at the pains of going to any town or place to marry people, nobody will hinder him.

If it be intended that Naval Stores and masts shall be sent from these Plantations, there ought to be a quick and a vigorous course taken to vacate all these extravagant grants of Fletcher and other Governors, and to destroy Col. Allen's pretension to N. Hampshire and part of the Massachusets Province. I am made very uneasy and kept at bay here with the angry party by the want of spirit in the administration at home. For the ministers sending me orders, and afterwards not standing by those orders, and not quickening the execution of them, is a most cruel thing. 'Tis very unhappy, too, that the Judge and Attorney General are suffer'd to loyter so long in England. Things are either contriv'd, or fall out crossely to make me uneasy. I am sure I would not stay an hour here, if I could be certain there were any contrivance to make me so. I have paid the four companies fifteen moneths' subsistence, March 25, '99—June 16, 1700. Ever since the arrival of the *Advice* frigat with the recruits, I have been forc'd to pay all the officers and souldiers their weekly subsistence in ready money, which I find gives 'em much better content than formerly, when they were in the hands of the victuallers. I send the copy of my letter to the Treasury, wherein I submit Mr. Weaver's bill of exchange and his account to their Lordships, and the same I do also to your Lordships, and desire you will please to direct whether I with the Council of this Province shall allow his account, especially that which relates to his salary as Collector of this Province during all the year and a half that he has staid away from his duty. My said letter will acquaint you with the state of that matter. *Enumerates other enclosures.* Mr. Armstrong's letter I have newly received. He is Naval Officer of N. Hampshire. You will there find how Mr. Partridge, the Lieut. Governor, proceeds in the trade of ship-timber to Portugal, notwithstanding I sent him a copy of that paragraph in your letter of April 19. He writ me word he was sorry he had given any offence to your Lordships, which by what I now perceive he meant as a jeer. I desire you will

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consider whether it will not be proper to recommend the passing an Act of Parliament this session to prohibit that trade in all the Plantations. And by all means I am humbly of opinion Mr. Partridge ought to be remov'd from that station, which is too honourable for him and he no way qualified for it. I could easily send the frigat that's here to Pescattaway and stop his two ships, but then I shall be liable to be su'd by Partridge and the marchands in London that are his correspondents, since there's no statute to justifie me. I must undeceive you of a wrong suggestion in the petition of those correspondents. Mr. Crouch and Mr. Tatem were the petitioners to the King in Council, and in their petition, to induce the King to approve of that trade to Portugal, give for a reason that the ships, when they have unloaded their timber in Portugal, then load wine, etc., for England. But 'tis well known that the vessels that carry fish to Spain and Portugal drive that trade of carrying wines and other commodities to England as often as they can light on freight thither. And I hope there's no comparison between the advantage England receives by the fish-trade to those countries, and this new trade, which will prove hurtful to England on many accounts, as I have before observed. I desire you will please to direct me how I am to behave myself with Mr. Partridge, and it were worth while to dispatch away a small frigat or advice-boat with your orders, that they may overtake Partridge's two ships before they sail. We shall never be able to turn a trade to England for ship-timber so long as that trade of Mr. Partridge (and of others by his example) is suffer'd to Portugal, where to be sure ship-timber must bear a much greater price than in England, because Portugal is not a wooded country. I remember I rebuk'd Sir Henry Ashhurst in the privy garden at Whitehall for procuring Mr. Partridge to be made Lieut.-Governor of N. Hampshire, who is a carpenter by trade and a sad, weak man. I told him his genius had a strong byass to Carpenter-Governors, for he it was (with Mr. Mather) that got Sir William Phipps made governor of N. England. In the year '95 the marchands of Boston were incourag'd to send over a ship-load of severall sorts of ship-timber for an experiment. I was at the pains, when I was at Boston, to inform myselfe particularly of that matter. The ship, *St. Joseph*, of 300 tons, was loaded, but met with all the rubs and stops that could well have happen'd. First she lay three moneths loaden wayting for a convoy; then she had a very tedious passage and was forc'd by contrary weather into Milford Haven, where she waited five or six weeks for a wind. At last getting into the river as far up as Deptford or Woolwich, she lay five weeks there, before care was taken to unload her. 'Tis plain the misfortune and delay that attended her voyage is not wholly imputable to the management of the officers belonging to those yards, because a great part of it is owing to chance, but I believe you will be of opinion with me that five weeks was a very long time for a ship to lye loaden so near two of the King's yards. I have a copie of the master of the ship's journal, and of the invoice of the timber, and the owners told me there was all the contrivance that could

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be by the officers of the yard, which received the timber at last, to disparage it and discourage any further undertaking of that kind. All this I have reason to believe to be true, in fact to be proper for me to acquaint your Lordships of.

The old part of the house in the fort here is falling down, and so is one of the souldiers' barracks, and how to repair 'em I cannot tell. The Revenue is so clogg'd with anticipations, that we can apply no part thereof to those uses. The Indians are a great and constant charge to us, as you will see by the enclosed list of warrants for payments of the Revenue ever since my coming to the Government. The 30*l.* per cent. will in time answer some part of the charge of the Government, if it be continu'd, which I hope in God it will not, for the King's honour and good of the officers and souldiers. With my first or second letter I writ to your Lordships from N. York, I sent the report of Col. Courtland and Col. Bayard of the necessary repairs of this house and fort, which they then estimated at 1,500*l.* Col. Fletcher was then here, who told me he had applied the 30*l.* per cent. to the repairs of the fortifications, which was a most impudent untruth. The 30 per cent. amounted to about 2,300*l* a year, as I take it, and I could never yet discover that he laid out 500*l.* a year of all that money for the King's service. The minute of Council, July 29, allows of the charge I was at in my remove from Boston to this place, which was about 92*l.* N. York money, or 70*l.* sterl. There are precedents for it in both Sir Edmond Andros's and Col. Fletcher's time, who never remov'd or travel'd but at the King's charge. Besides my appointments are so narrow that I must have taken that course or not have remov'd. I intended the Collector, Col. Courtland's, Michaelmas books of entries and clearings by this conveyance, but the poor man died the 25th inst. after a short sicknesse, before his books were perfected.

I hear Col. Allen was refus'd an appeal to the King in Council by the Lieut.-Governor and Council of N. Hampshire upon the judgments being given against him at the last Superior Court in August. Mr. Partridge has not thought fit to give me any account of this, but I heard it from Boston by accident. I hear too that an appeal has since my coming from Boston been refus'd to one Mrs. Lydget by the Superior Court there, in a cause wherein she was plaintiff and Mr. Usher and Mr. Saffin defendants. I doubt not but your Lordships will be applied to in both cases, and that you will make an inquisition why appeals were refused.

The French have mightily impos'd on the world in the mapps they have made of this Continent, and our Geographers have been led into gross mistakes by the French mapps to our very great prejudice. It were as good a work as your Lordships could do to send over a very skilful surveyor to make correct mapps of all these Plantations, and that out of hand, that we may not be cozen'd on to the end of the chapter by the French. And for saving charges, if that surveyor be a sober, honest man, perhaps it were best to make him Secretary of the province. I have not displac'd Mr. Clarkson, for there's nobody here fit for that post. One thing is very material for your Lordships to know,

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which perhapps you are not yet inform'd of. The only good beaver hunting lyes in that part of the country where the Dowaganhas and those other Nations live, and thither our Five Nations are forc'd to go a beaver hunting, which is one reason of that perpetual war between those Nations and ours; and that reason makes our building a fort in the Onondages' country necessary, whither I believe those Nations by careful management might be brought to trade with us, and in a litle time gain'd from the French. The country I speak of is commended for a most noble country by Samuell York and the French hunters that were here t'other day; it lyes by their description west and north-west of this Province. There are Savannas, or plains, of a 100 miles long, the soil very rich and well water'd, abounding with wild cattle, deer and wild turkies, so that the Indians have plenty of provisions without any trouble scarce to look after them. *Signed*, Bellomont. *P.S.*—I send duplicates of the three Acts of Assembly we pass'd last August. *Endorsed*, Recd. 18 Feb. Read 29 do. Ended, 12 March, $170\frac{9}{1}$. *Holograph.* 24 *large pp.*
Enclosed,

953. i. Abstract of preceding. $12\frac{1}{2}$ *pp.*

953. ii. Copy of proceedings of the Court Martial held at N. York, Oct., Nov. 1700, for the trial of several soldiers for mutiny. Oct. 30. The Hon. John Nanfan, Lieut.-Governor, said that understanding the 28th inst. that divers of the soldiers were inclining to make a disorder, and to prevent them from breaking out into mutiny and that they might not be ignorant of the law here lately made, he commanded the two companies belonging to the Earl of Bellomont and himself, with the detachment designed for Albany, to be drawn up behind the fort next the North River, and then rides to them, and after having given them commands and exhortations to obey he read loudly to them the Act for punishing mutiny, etc. The prisoners with others, having heard the Act read, showed great insolence and contempt of the same. Upon which Captain Nanfan commanded them to march several times, but they all denied, breaking their ranks, falling into disorder and crying out "Halt, halt! We will not march until we have our sea-pay, English pay and clothes," with diverse other insolent and seditious expressions. Lieut. John Riggs said that the souldiers in great numbers coming up in a mutinous manner to the Fort Gate, with a design as it appeared to surprize the garrison, he heard Corporal James Morris, amongst others, say "Let us secure the Fort, secure my Lord and then secure ourselves," and thereupon attempted to get into the Fort, which was prevented by shutting the gates. *Other corroborative evidence against the individual mutineers.* Barnes Cosens, Clark of the Council, said that after the Act was read "he plainly perceived a

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mutiny amongst them, they crying out 'One and all! Dam'me don't stir a man!'" whilst the officers cried out March, March!, but they refused except only a few, who followed Lieut. Holland out of the center. Meanwhile, Richard Fleming, a souldier on guard within the Fort, cried out, exhorting them not to move until they had their pay. His Excellency affirmed that upon his ordering Fleming to be committed, William Davis, another souldier, cried out, "Then you had as good commit us all." Some pleaded not guilty, and others guilty, and threw themselves on the mercy of the King and Committee. On Nov. 2 Corporal James Morris, Robert Cotterell, Jonathan Willford and Richard Fleming were condemned to be shot to death behind the Fort at the place where the mutiny began. William Davis and Peter Morris were condemned to be kept in the hole in His Majesty's Fort William Henry for a month on bread and water, and to be whiped twice a week on the naked back at the relief of the guard. Edward Short was condemned to be picketted for an hour for six days and imprisoned in the hole in the Fort on bread and water for a month. Alexander Macashlan condemned to same imprisonment and to run the gauntlet twice. On Nov. 6, after being severely addressed by the Advocate General (Paroculus Parmyter) the rest were discharged. The four condemned were taken out to be shot, and when on their knees, and two files of musketeers were ready to discharge against them, Fleming and Willford were reprieved. *Signed*, B. Cosens, Clark of the Court Martiall. 56½ *pp.*

953. iii. Address of the Court Martial, referred to in preceding, to Lord Bellomont, praying for a reprieve of those condemned to death until His Majesty's pleasure be known. *Signed*, Robt. Walters, Peter Mathews, Cha. Ashfeild, Hen. Holland, S. V. Cortlandt, President, A. D. Peyster, Robt. Livingston, Par. Parmyter, Judge Advocate, B. Cosen. *Endorsed*, Recd. Feb. 18, 170$\frac{0}{1}$. *Copy.* 1 *p.*

953. iv. Copy of reasons offered by the Judges of the late Court Martial to Lord Bellomont for the reprieve of those condemned to death. The King has no Attorney General at present, and the Act under which they are condemned has not yet received His Majesty's consent. The Act was made but a day before the offence was committed, and though it was read to some of the souldiers, many of them were too intoxicated to understand it. *Same endorsement.* 1 *p.*

953. v. Copy of an additional Instruction to Lord Bellomont, May 31, 1699 (*q.v.*) to obtain the passing of an Act to punish mutiny, etc. *Same endorsement.* 1 *p.*

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953. vi. List of Acts passed at an Assembly of New York, Oct. 26, 1700. Acts for punishing mutiny and desertion; repealing the Act for securing the Five Nations; declaring the town of East Chester a distinct parish from West Chester; appointing Commissioners of Public accounts; for encouraging the brewing of beer and making of malt; and for the encouragement of seamen. *Same endorsement.* ¾ *p.*

953. vii. Jean de Noyou and Louis Gosselin to Lord Bellomont. We come to place ourselves under the protection of your Excellency, in the hope that you will allow us to live and trade in Albany and grant us the rights and privileges which the others enjoy. In that case we are commissioned by our comrades to assure you that 22 "braves jeunes gens" will come to Albany next February, and in September we promise to bring thither 30 stout men, all laden with peltry. And we undertake to bring in Sept., when we return from hunting, 10 or 12 of the principal Chiefs of the Nations of the Ottowawas. *Signed*, de Noyou, L. Gosselin. New York, Oct. 26, 1700. *Note in Bellomont's handwriting*;— The French call all those Nations to the West and West-north-west of us Ottowawas, as we give 'em the general name of Dowaganhas. *Same endorsement. Copy.* 1 *p. French.*

953. viii. Journal of Col. Romer's Expedition to Onondage, with Mr. Hansen and Mr. Van Brugh. Onnondage, Oct. 5, 1700. Laurence Claessen, Interpreter. *A shorter version of the following. Same endorsement.* 3½ *pp.*

953. ix. Journal of the same. On Sept. 13 we left Albany, and arrived by way of Schenactade and Jacobus Peek at the first Castle of the Maquas, called Ogsadago, on the 15th. On the 16th we came to the second Castle called Canaedsiohore, whence four Indians carried our baggage to Decanohoge, where the Sachem Onoronorum lives. Here two of the Indians were unwilling to proceed. It rained till the 20th, when we departed with two Indians and two squaas provided by Onoronorum; 23rd we came to Oneyde and were friendly treated by the Sachem Hanagquaindi, but they made excuses for not making us a canoe at the carrying-place against we came back for Col. Romer to come down in. At which the said Sachem was dejected and said "You know that I have appointed to-morow to go to fight with my people to the Southward where the flat-heads live, otherwise I would go with my people and make a canoe." 26th we came to Onnondage and heard that Decanissore and some other Sachems were abroad and were sent for to hear what news the Indians brought from

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Canada. At last on the 30th, after many delays, the Sachems that had been in Canada came home and reported what had befallen them by the French. They said that when they came in Canada nigh the Castle called Cachenuage, where the praying Maquass live, the latter invited them into their Castle to eat, asking why they always passed by their Castle when they went to the French, as if they could not abide the smoake of that Castle. When they had eaten, they went for Mont Reall, and were saluted with seven or eight cannon shot and treated very well with victuals and drink. Next day some Ionondadese Indians came and told them they had always lived in a misunderstanding together, pretending that they came to fight against them, but it was not true, but those people (to) whom they had given belts to the last year, come and fight you, so that your owne belts kill you.

The Governor of Canada said that he had now sent a priest to Ottawawa to fetch their prisoners and to deliver them to them in Canada next spring. A priest told them they should desire the Governor of Canada to send a smith at Cadarachquin to mend their guns and axes, and to send a great deal of trade and merchandise there, and to sell it as cheap there as at Mont Reall. The Governor agreed and told them to bring their skins thither to trade, for that he liked them, and their Beavers to their Brother Corlaer at Albany for he fanys them, as I do other skins, and you shall have as much for them there as at Mont Reall, for he would not suffer that they should buy so dear as they had don last spring in Cadarachquin, and that he had imprisoned the man that had sold them so dear then. The Priests thereupon moved them to insist for his release, but the Governor refused, but would put him to death or send him for France. When they were on their return they saw several Frenchmen with their goods going up to Cadarachquin by order of the Governor to trade with them.

On Oct. 1 Decanissore came in obedience to our summons and assembled the Sachems. Col. Romer desired them to make a canoe for him to go to Schenectade, and a canoe or two to lend us now to go in Canainda Lake, as far as where the River comes in that comes out of the Lake of Oneyde, and two of their men to look for the best place to build a Fort. He asked when their people would be ready to work at ye Fort. Next morning Decanissore told us that the Sachems of Oneyde were come to hear what news from Canada, and desired our presence. *The Governor of Canada's propositions to our Indians.* (1) Children, I thank you that you treated my people, the Priest and

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M. Marricour so well, for wch I embrace you, and laid down a chain of wampum. (2) I have heard that your people would have you out a fighting, but through the priest and M. Maricour the axe was laid down, for wch I thank you, and laid down a Belt. (3) Children, now you are here, and it is a long while agoe I acquainted you to come, for it is your own fault there is so many of your people killed, for the Waganhaes have yet had the sword in their hands, and then threw down a belt and said, Herewith I wipe your teares. (4) Now Children, I thro' the axe to the Devil in a hole and lay a stone upon it as bigg as all Mont Reall, that no man may take it up again, and laid down a belt. (5) It is now Peace all over, and I release all prisoners, and have sent a Priest to Ottawawa to fetch all the prisoners, and in the spring you may see and speak with them, and try if they will go with you, and laid down a great belt. (6) We plant a tree of peace whose roots reach all the nations round about us, yea even to Heaven, and if any person comes to cut one of the roots, wee'l all consult about it, and he laid down a Belt as long as a man. (7) You Children Sinnekes, it is now Peace, and if any will fight with the Waganhaes must tell it to me, and what damage they do, they shall repay it themselves, and if they do it a second time, we will all together fall on them, and if I do commence the war again, you may all fall on me, and eat my flesh off my body, and if your brother Corlaer should do it, let him answer for it, and laid down a belt. Neither I nor he are masters of Peace or War, but the Kings of England and France. (8) I'll bring goods at Cadarachquin to trade with you, and send a smith to mend your axes and guns. I know your brother Corlaer loves Beaver, but I fancy other large skins. Therefore you may sell the skins to me, and bring the Beaver to Corlaer, and if the Five Nations have a mind for Corlaer's goods, they may go and trade there. I'll not hinder them, and laid down a belt. (9) *Relation of the Praying Indians of Cachanuage.* Now brethren we hear that our Father Nondio has spoken, we also speak and assent to what he has told you, and let it be Peace for ever, and laid down a belt. (10). *Relation of the Jimondadese (or Jenosathese) Indians.* Brethren, just now we have heard that Nondio has made peace. You know that the sword wherewith I killed you in the war was put into my hands by Nondio, and now I return it to him that gave it to me, and laid down a belt. As did the Mahikandey Indians, the Wagahaes, and those of Canossadage, the Indians about Mont Reall.

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When the Sachems that had been in Canada had done speaking to us by the mouth of Decanissore, he spoke by a little chain of wampum: "Brother Corlaer, you and I always speak together and tell one another what we know. We have one breath, one soul. It is not good that anything should be spoken among us and the other not know it. (Brethren), when you go to Canada, I can know but little of it, for which I am sorry." The canoes, etc., we required to go up and down the river were ready, but they begged for pay. On the 3rd we went for Canainda, and so thro' the Lake of Canainda until a river that runs out of the Lake of Oneyda, but found no fit place to build a Fort. So on the 6th Decanissore and Sinnicquanda, both Sachems for Quehook, went with us to Kachnawarage on the River Quehook, near the Lake of Oneyda, where we saw a very fit place and good wood to erect a Fort. Next day on returning to the Castle, we heard that our people that had a passe to go to the remote Nations of Indians were come thither, and they said they were wholly discouraged to go further. Because a few days ago some of the Sinnekes were taken prisoners, they looked on them as dead who went thither, and refused to go further. Whereupon Col. Romer resolved to depart for Oneyde. The Sachems of Onnondage were not well pleased about that passe, because my Lord had not acquainted them therewith, and said that our people had run a great hazard of their owne people, for those that were a hunting knew not of any of Corlaer's people being abroad, and therefore feared that our own people would kill them. Whereupon those people that were to go to the Far Nations resolved to return home.

Decanissore desired us to make known to the Maquase on our way home, what the Governor of Canada said. They would not say where the best place for a Fort would be, because the Cayouges and Oneides were not there to consult. The Indians were a hunting and would not be able to help us, if we went soon to work in the spring. They did not wish the Fort to be begun before they came to Corlaer, when the trees began to bud, and they would take counsel together, for all the Nations must be consulted. He laid down a Beaver skin and desired we would tell it to the Oneides, which we promised to do, and thanked them for telling us the news of the French, inviting them to tell us if they expected this fall any French or Priests. We gave a match coat. Decanissore said, Brother Corlaer, if any French and Priests should come hither, do not only send John Baptist, but also a great officer or two, that they speak together. We told them that Corlaer had always forbid them to go to Canada to speak of

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Peace, for Peace was made by the Kings, and now that they had been there it availed them nothing, but they had merely humbled themselves before the Governor as a Conqueror, and he would boast that they were forced to come and make peace with him. We took leave of them and presented them with a gun. We visited the Oneidas and Maquas and the Carrying-place. 18th returned to Albany. *Signed*, Peter van Brugh, Hendk. Hansen, Laurence Claesen, Interpreter. *Same endorsement. Copy.* 7¼ *closely written pp.*

953. x. Articles of agreement between Ryer Schermerhoorn of Schenectady and Hendrick Beckman, carpenter, and the Earl of Bellomont, for the delivery of twenty-four masts, to be cut in the Maquas' country. Nov. 14, 1700. *Signed*, Ryer Schermerhoorn, Hendrick Beckman. *Endorsed*, Recd. Feb. 18. Read 26th, $170\frac{9}{1}$. *Copy.* 2¼ *pp.*

953 xi. Copy of Mr. Schermerhoorn's and Mr. Beckman's bond for performance of preceding agreement. *Endorsed*, Recd. Feb. 18, $170\frac{9}{1}$. 1 *p.*

953. xii. Lord Bellomont's Instructions to Ryer Schermerhoorn and Hendrick Hansen. You are with all convenient speed to treat with the Mohack Indians and get their consent that the King shall now and at all times hereafter have the sole property in all the woods lying within their country, with free egress and regress for men, horses and other cattle necessary for bringing away the same. You are to tell them that the trees are for the use of the King's Navy, and to make the agreement in as open and fair a manner as may be before Mr. Freeman, the Minister at Schenectade, and as many other creditable witnesses as you can get together. You are to make strict enquiry whether Hille the Interpretess have yet removed to Albany to dwell, as she undertook to do, and if not, discharge her, giving me notice concerning her the first opportunity. You are to use your utmost diligence to find out from time to time how our Five Nations stand affected to His Majesty, and whether any ill-disposed persons do tamper with 'em, and give me notice by the first opportunity. You are to encourage the Indians to have a Fort built in the Onondage country. Fort William Henry, Nov. 12, 1700. *Endorsed*, Recd. Feb. 18, Read 26th, $170\frac{9}{1}$. *Copy.* 1¼ *pp.*

953. xiii. Prices of masts for His Majesty's ships. Those of Mr. Taylor, Mr. Bridger and Lord Bellomont contrasted, amounting respectively to 152*l.*; 82*l.*; 38*l.* 10*s.* *Endorsed*, Recd. Feb. 18, $170\frac{9}{1}$. 1 *p.*

953. xiv. List of the Officers of the Militia of the Province of New York. The number of *men* total 3,182. *Same endorsement.* 8¼ *pp.*

953. xv. Memorandum of List of Officers of the Militia in the Massachusetts Bay. ¼ *p.*

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953. xvi. Memorandum of List of the Militia in New Hampshire. ¼ *p.*

953. xvii. Address of the House of Representatives of New York to Governor the Earl of Bellomont. Whereas some differences do arise between the County of Orang within this Province and the Province of East New Jersey, they therefore humbly pray your Excellency to take into your consideration the setling of the bounds between this Province and East New Jersey. *Signed*, Abrah. Gouverneur, Speaker. *Endorsed*, Recd. Feb. 18, $170\frac{0}{1}$. 1 *p.*

953. xviii. Memorandum of a clause proposed to be inserted in ye Act for preventing abuses to the Indians. ¼ *p.*

953. xix. Copy of the Governor of Canada's Pass to one L'Esperance, *etc.* *Duplicate of No.* 770. *Endorsed*, Recd. Feb. 18, $170\frac{0}{1}$. *French.* 1 *p.*

953. xx. Estimate of the charge of building Forts in the Province of New York. At Albany a Fort, 4,000*l.*; at Schenectady a Fort, 4,000*l.*; at Rudgio a Fort, 6,000*l.*; at Sheractoge a redoubt, 1,000*l.*; at Canestigogione a redoubt, 1,000*l.*; at the half-moon a redoubt 1,000*l.* East of Boston; at Pescattaway a Fort, 4,000*l.*; at Ste. Croix a Fort, 7,000*l.*; on Kenebec River a strong redoubt, 1,500*l.* *Note in Bellomont's hand*:—The Fort at Onondage and repairs at New York are not considered, nor the fortifications requisite to defend the harbour of New York and to preserve the town from bombardment. Rudgio is suppos'd our northernmost between the Province of New York and Canada, as Ste. Croix is our most Eastern boundary next to N. Scotia, which is the reason Col. Romer thought those two forts would require more strength and cost than the rest. *Endorsed*, Recd. Feb. 18. Read 27th. $170\frac{0}{1}$. 1 *p.*

953. xxi. Memorandum of petition of Ministers at Boston for a clause to be added to the Act against incestuous marriages. ¼ *p.*

953. xxii. Earl of Bellomont to the Lords Commissioners of the Treasury. New York, Nov. 23, 1700. Mr. Champante informs me that he has lent Mr. Weaver 425*l.* of the money he received from the Pay Office and taken Mr. Weaver's Bill of Exchange, drawn on myself and the Council for that value. This has been a trouble as well as a surprise to me. I must either throw up the Agency or desire you will take good security—the sum should be 10,000*l.*—of the person that shall be presented to you by Sir John Stanley or Mr. Secretary Popple for Agent of the Four Companies of this Province. I enclose copies of Mr. Weaver's Commission and Accounts. I shewed his bill and accounts to the Council, who smiled at

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it, that he should pretend to a year and half's salary for taking his pastime in London, while another that does the duty of the place will without all peradventure be paid the full salary, so that, should Mr. Weaver's pretension be allowed, the King will be at the charge of paying two salaries instead of one. I desire your directions in that matter. I wish, in all Commissions for places of trust in these Provinces I am concerned in, there were a particular clause that the persons should not be entitled to any salary or profits, but from the time of their entring upon the execution of those places or imployments, and that would be a spur to 'em to hasten over and not loyter a year and a half in London. The Commissioners of Accounts we have appointed by Act of Assembly here will never pass Mr. Weaver's account without a positive order from your Lordships. The Council seem'd to think some other articles in Mr. Weaver's account pretty extravagant too. The trade both here and at Boston is under all the ill management your Lordships can imagine. It seems to me a thing extraordinary that Mr. Brenton and Mr. Weaver should be suffered to stay so very long from their posts. Mr. Brenton has been in England above two years. I believe a full third part of the Trade of Boston and this place is directly against Law, and if your Lordships will not keep a strict hand over the Collectors, the Trade of England must suffer exceedingly. 'Tis not possible a Governor should do his own duty and the Collectors' too. *Refers to Col. Fletcher's ill-management.* I desire to be reimbursed the 71*l.* 17*s.* 3*d.* New England money, I laid out on my journey to and from Rhode Island, and 60*l.* I laid out for apprehending James Gillam, a pyrate since executed in London. The Commissioners of Accounts will never allow it shall be paid here, and the King has no Revenue in the Massachusetts Province, where the money was expended. *Signed,* Bellomont. *P.S.*—Upon report to me and the Council that the Excise of Albany had fallen from above 400*l.* a year to 100*l.* since Mr. Livingston has had the collection thereof, 50*l.* of which he receives for his own use by way of salary, and that by virtue of a Commission he obtained in '95 in England to be Secretary of the Indian affairs at 100*l.* a year sterl., as well as being Town Clerk, County Clerk and Clerk of the Common Pleas, we directed to set the Excise to farm. The Commissioners of Accounts, too, have enter'd a caveat against his pretension to 800*l.* due by the Province, for which he obtained an order in England. They have not yet told me their objection.

1700.

Mr. Bass has had great good fortune, in his tryall upon the account of my seizing the *Hester* at Perth Amboy, to have recovered such great damages of the King. The ship was sold by inch of candle, and there was no sort of partiality shewn by me in that matter, as Bass has most falsely told the world in a printed paper he dispers'd last session of Parliament among the members. Never did I get a shilling directly or indirectly by the sale of that ship after condemnation; but all the money she sold for was applied to the payment of the master's and sailors' wages. She was much out of repair and had no sort of merchandize but 28,000 pipe-staves, which were all sold by one Woolcy, who was Basse's Agent to Col. D'Peyster. Basse was reckoned to have been happy in my seizing that ship by all people here. The discourse was among the Merchands here that he had imbezil'd his brother-in-law, Mr. John Lofting's cargo, which that ship brought from England, valued at 800*l.*, and by that means Mr. Lofting became bankrupt. The ship lay at Amboy near a year before he could freight her, and then only with a paltry loading of pipe-staves worth not much more than 70*l.* sterl.

A most violent storm that happen'd here, Nov. 29, at night, drove all the vessels in this harbour from their anchors, and damnified most of them, and this ship among others which carries my packets, which gives me the opportunity of sending Col. D'Peyster's affidavit, which will satisfy you as to the many falcities alledg'd about the value of the *Hester*. Col. D'Peyster is a very honest, upright man, and Basse, on whose credit that trial was chiefly engaged into by the Proprietors of the Jerseys, is a known profligate fellow, and remarkable for lying. *Endorsed*, Recd. Feb. 18. Read March 7, $170\frac{0}{1}$. *Copy.* $5\frac{3}{4}$ *pp.*

953. xxiii. Copy of Mr. Weaver's Bill of Exchange referred to in preceding. London, June 25, 1700. *Signed*, T. Weaver. *Endorsed*, Recd. Feb. 18, $170\frac{0}{1}$. $\frac{3}{4}$ *p.*

953. xxiv. (1) Copy of Mr. Weaver's Patent for the place of Collector and Receiver of New York. March 4, 1699. *Countersigned*, Cocks. $1\frac{1}{2}$ *pp.*

953. xxiv. (2) Copy of Mr. Weaver's account, including a year and a half's salary as Agent and Receiver. Total, 619*l.* 7*s.* 1 *p. The whole endorsed*, Recd. Feb. 18, $170\frac{0}{1}$.

953. xxv. Governor the Earl of Bellomont to the Commissioners of Customs. New York, Nov. 23, 1700. Your letter of Aug. 18 lay here in Mr. Ashfield's trunk three weeks before I received it. He bears a very scurvy character here. I am told that he pretended to break here for 1,200*l.* and yet carried off 600*l.* and went to England with Col. Fletcher. He is said to be much given to

1700.

gaming, and is of that party that has given me trouble in the just discharge of my duty. Besides, he is of this country as being married here, and I have always found just reason to except against such men in offices of trust under the King; they having litle interests and friendships to gratifie, which do not at all consist with the King's service. I appeal now to you whether Mr. Ashfield can be thought qualified for a place of so great trust. I wish the Collectors were not suffered to loyter in England as they do. *Complains of the absence of Mr. Weaver and Mr. Brenton.* Mr. Brenton was away, I am told, three years together in England once before. I am sure so long absence does not argue the honesty of a Collector, and the loose management of the Revenue here is a reflection on the management at home. Whatever is got in these Plantations by unlawful trade, is a wound to the trade of England. At Boston Mr. Brenton's Deputy is a Merchand. I cannot say anything against the man's honesty. He seiz'd about five weeks ago a brigantine richly loaded, and has taken security of the owners that they shall stand trial, and so has let go the ship and cargo. I hear he took that course because the Judge of the Admiralty was not in that country at that time. The two waiters keep public-houses, which is not an honest calling. There ought to be two arm'd sloops to guard the trade of Boston and one here. Both that country and this are naturally cut out and seated for unlawful trade, both abounding with creeks, and islands and lurking-places for vessels to run their goods in. *Signed*, Bellomont. *Same endorsement. Copy.* 2¼ *pp.*

953. xxvi. Governor the Earl of Bellomont to the Lords of the Admiralty. New York, Nov. 23, 1700. I have made an agreement with two honest substantiall men in this country for 24 masts. I drew the articles of agreement myself, because the lawyers here are not of a principle to be trusted with anything that's for the King's service. They would put notions in the Indians' heads (who are the jealousest people on the earth) to make 'em either not consent to the King's making use of the woods at all, or not consent under an extravagant price. You will see the difference between Mr. Taylor's prices and mine. I call 'em mine, but I am not to get a shilling, directly or indirectly by it. I dare undertake to furnish the King with all his masts, bowspritts and yards at such rates as will save him at least 15,000*l.* a year. And the persons I sent to view the woods assure me there are trees enough to serve the King's Navy with masts for a 1,000 years. I desire you will send a fly boat of 500 ton so as to be here by the last of April next, and

1700.

I will load her with those masts and timber. I can supply the King and all his dominions with Naval Stores, except flax and hemp, from this Province and New Hampshire, but then your Lordships and the rest of the Ministers must break through Col. Fletcher's most corrupt grants of all the lands and woods of this Province, which I think is the most impudent villainy I ever heard or read of any man. *Details.* I desire you to order 230*l.* 17*s.* and 359*l.* 10*s.* 6*d.* sterl. to be paid to Sir John Stanley for my use, being the amounts I am advancing to the undertakers for these masts, and have paid for ship-timber, partly sent home in the *Fortune*. First essays of this kind are always more chargeable. If you order me to provide more timber, I do not doubt but to furnish what quantity and of what scantlings you please at least 30 *per cent.* cheaper than this I have sent in the *Fortune*. *Endorsed*, Recd. 18th Feb., Read 12th March, 170$\frac{0}{1}$. *Copy.* 3 *pp.*

953. xxvii. Copies of the Muster Rolls of the Four Companies at New York and Albany, Oct. and Nov., 1700. 6 *pp.* *Same endorsement.*

953. xxviii. Memorandum of Mr. Armstrong's letter to Lord Bellomont. Nov. 8, 1700. $\frac{1}{4}$ *p.*

953. xxix. Memorandum of a list of warrants issued since Lord Bellomont's being Governor of New York. (*No.* 954.) $\frac{1}{4}$ *p.*

953. xxx. Amounts of the warrants issued by order of Council since the accession of Lord Bellomont, under heads (1) Canada 580*l.* 18*s.* 3*d.* (2) Due to the Revenue, 321*l.* (3) Indians, 3,156*l.* 8*s.* 10$\frac{1}{2}$*d.* (4) Fort in New York, 2,156*l.* 12*s.* 11$\frac{1}{2}$*d.* (5) Incidents, 4,045*l.* 19*s.* 9$\frac{1}{2}$*d.* (6) Albany, 862*l.* 1*s.* 2$\frac{1}{2}$*d.* (7) Souldiers, 1,375*l.* 2*s.* 1$\frac{3}{4}$*d.* *Total*, 12,498*l.* 3*s.* 2$\frac{3}{4}$*d.* *Same endorsement.* 1 *p.*

953. xxxi. Memorandum of Naval Officers' List of ships entered and cleared at New York, June 25—to Sept. 27, 1700. $\frac{1}{4}$ *p.*

953. xxxii. Naval Officer's List of ships registered in the Province of New York, June 25, 1700—Sept. 29, 1700. Thirteen brigantines and sloops, of which one brigantine and three sloops were built in New York in 1700. *Same endorsement.* 1 *long p.*

953. xxxiii. Memorandum of Minutes of Council in Assembly of New York, Oct. 2—Nov. 2, 1700. $\frac{1}{4}$ *p.*

953. xxxiv. Memorandum of Acts passed at a General Assembly at New York, July 29, 1700. $\frac{1}{4}$ *p.*

953. xxxv. (1) Extract of a letter from Lord Bellomont to Mr. Popple, Nov. 29, 1700. I will give you a short account of Mr. Graham's endeavour to circumvent us in the last money bill. He is either sick or sullen, and comes not from his country house. Capt. Provoost, the late Mayor, went to him to know how a Common Council might be called for ordering the affairs of ye city, since by the Charter the Recorder, who was

1700.

then Mr. Graham, is always to be present or they cannot hold a Court. Mr. Graham gives ye said Mayor a Deputation to be his Deputy Recorder, which I take to be wholly inconsistent, that one man should be Mayor and Recorder at ye same time. The Mayor telling him the City were in want of money to carry on their Town-house and other works, Mr. Graham in the same paper as his deputation advised the City's taxing the flower that should be brought out of ye country at 3*s*. per ½ barrel, which I take to be treason, to levy money on the subject without an Act of Parliament, or of an Act of Assembly. This tax so enraged the country members of the House of Representatives, who were four to one, this last session, that they protested no money Bill should pass till the Ordinance were recalled. The City members were as obstinate for maintaining their ordinance, so that the money Bill was very near miscarrying, if I had not with much difficulty prevailed with the City members to revoke their Ordinance. That revocation could not be neither, till I had named a new Recorder. About a week after, I sent for the Town-Clerk and made him search for Mr. Graham's Commission. At first he brought me word there was no such Commission entred with him, but on a second search he found it. I take it to be illegal, there being no power in the King's Commission to Col. Fletcher or me, nor yet in the Charter of New Yorke, which warrants the Governors giving any officer whatsoever a Commission during good behaviour. Another fault I find with his Commission, it was not entred in the Secretary's office, which is the proper office where Letters Patent or Commissions are entred. Besides all that, it appears plainly the charter of New York is not a legal Charter, for the original I have lately seen is sealed with the Duke of York's seale, and neither the Great Seal of England nor seale of the Province, yet it bears date the second year of King James, so that the whole foundation is wrong. In strictness this is no city, and all the judgements that have been passed in their Mayor's Court are void. Yet Col. Dongan, I am told, and Mr. Graham got a good sum of money for this Charter. I gave the Lords in one or two letters to understand I had a jealousy of Mr. Graham's taking a bribe from Shelly. The grounds you will perceive from enclosed papers. You may observe a plain trick of Mr. Graham's wording the Minute of Council. Where I have marked with a line, there he has cunningly left out *Giles Shelly* and put in ye words [the said crew]. The apology made for Mr. Graham by the Lieut. Governor in his letter of April 29th, about the bond taken for Shelly, is as I have told the Lieut.

1700.

Governor, instead of an apology, a severe charge against Mr. Graham, whose duty it was alone to draw the bond himself, as the King's sole Council in the law within this Province. I send the *Mittimus* to imprison Shelly, drawn by Mr. Graham, and the Bond drawn by one Antill, who was Attorney for Shelly and Mr. Gouverneur, who was therein outwitted by Antill. It would be endless to tell you the lies and tricks of Graham and his endeavours to circumvent me. But I was always on my guard with him, so that he was never able to take the least advantage of me. He has sometimes gone to his country-house, and from thence writ to me how the Assembly were to be manag'd that Session wherein they settled the Revenue, and about the election of members, on purpose to ensnare me, and entice me to write to him about those matters. But I always waved writing to him on those subjects. I will next tell you how he used the King. You know what memorials I sent the Lords of ye Board from Mr. Graham, setting forth how ruinous Col. Fletcher's wast grants of land were to the Province. Yet was this man so double and impudent as to oppose with all his might the passing of that Act I sent home for vacating some of Fletcher's grants. He opposed it to myself, witness the notes I writ down in my table-book from his own mouth, and which I am able to swear to. He was so false to ye King and to me that Session when he was Speaker, and that the Revenue was settled for six years, as to come and perswade me to accept of the Revenue for three years. It was upon that villanous motion of his that I first writ home for a Judge and Attorney, for I found he was so rank a knave there was no trusting him. Several corruptions can be proved against him in his Recorder's place and that of Attorney General. He has at this time the fate that all false, tricking men have, to be hated and despised by men of all parties. I do not finde he has a friend in this Province but Mr. Livingston, who has not quite so much cunning as he. I send you these papers, that in case Mr. Graham makes any complaint to the Lords of Trade for my having him out of his Recorder's place, they as evidences may be produced against him.

953. xxxv. (2) Extract of another letter from same to same. I desire you will solicit the Lords of ye Board to support my demand of the money I have advanced from ye Admiralty or Navy Board. For want of a particular account of the clearings due to the four Companies from Mr. Champante, I have not been able to pay them. He sent me an abstract, but the officers and I are wholly at a loss w^{t}. is due to each company.

1700.

Mr. Hungerford, tho' my near kinsman, has plaid the fool and worse, while he was one of the Collectors. I send some evidences against him. His father, Sir George, is of the House of Commons, and I hear is so weak as to take it ill I turned his son out of that employment, which I protest I would have done to a son of my own. My cousin Hungerford made it a common practice to make seizures and compound for them, without lodging them in the Custom-House, or giving any account of them to the Government. *Endorsed*, Recd. Feb. 18, Read Feb. 24, 170$\frac{0}{1}$. *Copy.* $3\frac{1}{4}$ *pp.*

953. xxxvi. Copy of Mr. Graham's Deputation to David Provost, Mayor of New York, to be his Deputy Recorder, together with his opinion that it is in the power of the Common Council to levy an imposition on flour imported into the City and not bolted therein. Sept. 13, 1700. *Signed*, Ja. Graham, Recorder. *Same endorsement.* $\frac{3}{4}$ *p.*

953. xxxvii. Ordinance of the Mayor and Common Council for levying a tax of 3*s.* upon each half barrel of flower and 12 pence upon each hundredweight of bisket imported into New York. Sept. 24, 1700. *Endorsed*, Recd. Feb. 18, 170$\frac{0}{1}$. *Printed copy.* 2 *pp.*

953. xxxviii. Minutes of Council of New York. Oct. 26, 1700. (*See under date.*)

953. xxxix. Copy of Mr. Graham's Commission to be Recorder of New York. Sept. 3, 1692. *Same endorsement.* 1 *p.*

953. xl. Printed Copy of the Charter of the City of New York. April 27, 1686. *Same endorsement.* 10 *pp.*

953. xli. Minute of Council of New York, July 5, 1699. On consideration of the letter from Lord Bellomont at Boston to the Lieutenant Governor requiring him to commit Capt. Giles Shelley together with his whole crew, without baile or mainprize, the Council were unanimously of opinion that there being no piracy or any other crimes charged against *the said crew*, who were sailors, and as such obliged to perform the commands of their master, that it is not warrantable in the law to commit them without bail or mainprize, and therefore cannot advise the Lieutenant Governor so to do. 1 *p.*

953. xlii. Minute of Council of New York. Oct. 11, 1699. (*Sic, but see* Oct. 11, 1700.) *Endorsed*, Recd. Feb. 18, 1700 (1701). $1\frac{1}{2}$ *pp.*

953. xliii. (1) Extract of letter from the Lieutenant Governor of New York to Lord Bellomont, June 5, 1699. I send you a copy of a letter from Col. Bass, which came this morning, by which you will see that either thro' want of intelligence or an apparent neglect in the Custom-House, what a booty has been lost. Shelley from Madagascar has been hovering off, and, as I am since informed, came into the Hook on Saturday.

1700.

Here was rumour that night of a ship's being below, and supposed a pyrate, and yesterday about noon came a sloope out of the sea, who told me he saw a vessell within the Hook with boats by her side. I immediately sent several times the whole town over, but could not find Mr. Hungerford. I also spoke to Cortlandt, who set a watch last night of land waiters. Mr. Hungerford, as he tells me since, was out a walking and knew nothing of the matter at eight at night. I saw a sail in the narrows standing this way at one in the morning. Mr. Hungerford sent to desire his boat's crew, which I ordered him, but some hours before that, as I am told, she was run ashore purposely within red hook, without any man or goods on board, etc. *Signed*, John Nanfan. *Copy.* 1 *p.*

953. xliii. (2) Extract of Letter from Lord Bellomont at Boston to the Lieut. Governor of New York. June 12, 1699. I believe you ought to commit Shelley and the pyrates come with him without bayl or main-prize. If the Attorney General will be sincere, he can advise you what's best to be done, and I think 'twere not amiss if you consulted Mr. Parmyter. *Signed*, Bellomont. ½ *p.*

953. xliii. (3) Extract of a letter from the Lieut. Governor of New York, to Lord Bellomont, June 12, 1699. In the morning the Attorney General being just come to town and knowing not that Shelley was come in, on my shewing him Basse's letter he was clearly of opinion that there was sufficient evidence for commitment of Shelley to gaol, and that he ought to be sent for before the Council, examined and committed for his transporting and landing so many pryates with their ill-gotten treasure. We could not meet with him in the morning, he absconding, as I believe, till some of his friends had seen and mollified the Attorney, who in the afternoon was clearly of another opinion, and that we could not touch Shelley, though I pressed him a dozen times to tell me how far the Law would support me, and what I could doe, he after a long pause gravely tells me I could not do anything, unless I had witnesses to prove him a pyrate, or to that purpose, and that he believed Shelley would at all times be forthcoming. I broke up the Council and he went that night to his farm. Before Shelley and his brother-in-law were called in, I desired the Attorney to draw up a proper list of questions, which he did, but they had their lesson so perfect, that indeed I thought they had known before what I would have ask'd them. *Signed*, John Nanfan. 1 *p.*

953. xliii. (4) Extract of letter from Lord Bellomont to the Lieut. Governor of New York. Boston, June 23, '99. I would advise you by all means to

1700.

send and examine Shelley and one Van Horn (who I hear came with him) before the Council. Examine them apart and very carefully, and then commit 'em to gaol without baile or mainprize, which I am positive you can legally justific, and there's no removing them by *Habeas corpus*, for there is no such law in force in any of the Plantations. *Signed*, Bellomont. ½ *p.*

953. xliii. (5) Extract of letter from Lord Bellomont to the Lieut. Governor of New York. Shelley and all his crew you may commit to gaol without bail or mainprize without all doubt. I advised with Council here, and I am so satisfied of it, that I will secure you harmlesse, and I advise you by all means to secure him and the rest immediately, and search his house very narrowly, and 'tis odds but you'll find treasure and East Indian goods. *Signed*, Bellomont. ½ *p.*

953. xliii. (6) Extract of letter from Lieut. Governor of New York to Lord Bellomont. July 3, '99. Mr. Attorney told me last week positively that we can do no more to Shelley and his crew than we have done, and that he has the last post given you a particular account with his reasons, so that I know not what to do, but will send for the Attorney (who is at his farm) and the Council, and advise with and shew them what your Lordship directs. This is Mr. Parmyter's advice to me. *Signed*, John Nanfan. ½ *p.*

953. xliii. (7) Extract of letter from Same to Same. April 29, 1700. I am as much concerned for Shelley's absconding as your Lordship can be. I have done what in me has laine to retrieve him, by writing to the neighbour Governors, and will still persist. I will ever set the sadle on the right horse. Capt. de Reiner, the late sherriff, as you will see by the enclosed *Mittimus* and Bond, has him in custody. Myself and the Attorney General (who, I must do that justice) cautioned him that in case Shelley should require baile, to take care how the bond was drawn, and not less than 4,000*l.*, but he goes and advises with his friend Mr. Gouverneur, and Antill, who was Shelley's Attorney (and I think a very ill fellow) took a bond or rather no bond drawn by them, which when I saw since Shelley's absconding, not before, really it surprised me, as indeed it did everybody else, but I will advise what is proper to be done in this matter, and use all legal means, tho' if twenty pirates should escape, the fault lyes on the officers, who had them in charge, not me, for I cannot have my eyes everywhere, I am not defective in my duty, I think not. *Signed*, John Nanfan. ¾ *p.* *The whole endorsed*, Recd. Feb. 18, 1700 (1701).

953. xliv. (1) Deposition of Samuell Staats and Robt. Walters, members of Council of New York, Oct. 11, 1700.

1700.

On July 5, 1699, in Council the Attorney General gave his opinion that it was not warrantable in Law to commit Giles Shelley and his crew without baile or mainprize. Upon which the Lieut. Governor desired him to dictate the Minute of Council thereon, which he accordingly did by directing the Clerk of the Council what he should write. *Copy.* 1 *p.*

953. xliv. (2) Deposition of Barne Cosens, Clerk of the Council. The Minute in question was dictated to him in the Council Chamber by James Graham. *Copy.* 1 *p. The whole endorsed.* Recd Feb. 18, 1700 (1701).

953. xlv. (1) Copy of *Mittimus* by John Nanfan, Lieut. Governor, directing the sherif of New York to keep Giles Shelley in custody. New York, June 23, 1699. 1 *p. On back,* By virtue of this warrant I took Giles Shelley, and took his bail June 23. 1¼ *pp.*

953. xlv. (2) Copy of Bond in 5,000*l.* for the appearance of Giles Shelley. June 23, 1699. Shelley, Matthew Ling, merchant, and Roger Baker, vintner, bind themselves to pay 5,000*l.* to Isaac de Riemer. "The condition of this obligation is such that if Shelley shall make his personal appearance at the next Supream Court of Judicature or sooner if required. to answer what in his Majesty's name shall be objected against him relating to the matter of fact alleged in the warrant of June 23, then this obligation to be void, else to remain in full force." *Signed,* Giles Shelley, Matther (*sic*) Ling, Roger Baker, his mark. 1 *p. The whole endorsed,* Recd. Feb. 18, 1700 (1701).

953. xlvi. Notes of what pass'd between Mr. Graham and the Earl of Bellomont about the Bill for breaking some of Coll. Fletcher's extravagant grants of land. May 4, '99. Mr. Graham was call'd up by me after dinner to my writing room, where, telling him how Col. Smith had seem'd this morning in Council averse to comply with the King's order to break Dellius's two grants, etc., he advised me against it, telling me it could not be done, 'twas an original right by vertue of the Great Seal of England and the public faith of England, which was surprizing to me, because he had not only often told me it was destructive to the Province that such great grants should be made, but also drew up a Representation of it to be sent to England. He told me the people were in a greater ferment than ever, and that the marchands had sent to Virginia to hire a ship to remove themselves and effects to England, and offer'd a 1,000*l.* for it, but that the master or owner stood upon 1,200*l.* He told me with tears in his eyes that he had been threatened, and that a woman had been with him this morning in his chambers, and told him there was no safety for him, that it was past mediation and reconciliation, etc. May 5,

1700.

Mr. Graham told me that yesterday he found a quarter of meat laid across the threshold of his lodging and said 'twas a menace that he was to be quartered. I laughed at his fear. *Signed*, Bellomont. *Same endorsement.* 1 *p. Holograph.*

953. xlvii. State of the clearings for the four companies at New Yorke from March 26—Dec. 24, 1699. *Copy in Lord Bellomont's hand. Same endorsement.* 1 *p.*

953. xlviii. (1) An account of goods seized by Mr. Ducie Hungerford on Nassau Island, July or August, 1699. *Copy.* 1 *p.*

953. xlviii. (2) Deposition of John Parmyter. Nov. 13, 1700. Some time last fall Mr. Hungerford desired him to go along with him to the Custom House to fetch some goods from thence which he had seized. He was going to take the goods out of the window. Deponent objected. He has heard that Edward Antill has one of the carpets so taken out. Thomas Mountague, apprentice to Thomas Wenham, was assistant to Mr. Hungerford in taking the elephants' teeth out of the Custom House, as Mr. Hungerford informed deponent. *Copy.* 1 *p. The whole endorsed*, Recd. Feb. 18, 1700 (1701).

953. xlix. (1) Account of goods seized by Mr. Hungerford at Capt. Lawrence's house, Robert Hincksman's house and at a house in the woods in Nassau Island. *Signed*, Daniel Toy, Robert Cranill (Land and Tide-waiters). *Copy.* $\frac{3}{4}$ *p.*

953. xlix. (2) Deposition of Daniel Toy and Robert Cranill that the above mentioned goods were seized in their presence, Daniell Toy adding that they were carried to Mr. Hungerford's lodging. *Signed*, Robert Cranill, Daniel Toy. *Copy.* $\frac{1}{2}$ *p. The whole endorsed*, Recd. Feb. 18, 1700 (1701).

953. l. Copy of petition of Engelbert Lott, late High Sheriff of King's County, to Governor the Earl of Bellomont. Having been ordered by special warrant from the Lieut. Governor and Council to secure all pyrats and their goods he could find within his bailwick and to give notice thereof, whilst he was gone with a list of the goods secured by him in his house to the Governor, when he was ordered to bring them in the Custom House, in the meantime Ducie Hungerford took the goods out of his house and brought them in the Custom House, pretending that he was the seizer and informer thereof. The last supreme Court ordered that these goods were fallen to the King one third part, to Lord Bellomont one third and to petitioner one third, and appointed Isaac de Reymer, our present Mayor, and Robert Sincler to appraise them. It then appeared Mr. Hungerford had brought them out of the Custom House and disposed of them without order of Governor and Council or any order of Court. Petitioner got

1700.

a warrant upon Ducie Hungerford, who gave no security to the sheriff to appear, and then broke out of prison. Petitioner prays to be helped to his right. *Same endorsement.* 1¾ *pp.* [*Board of Trade.* New York, 11. *Nos.* 18, 18.i.-l.; *and* (*Nos.* 953, vi., xxii., xxv., xxvi., xxxv. *only*) 55. *pp.* 137-210, 217; *and* (*Nos.* 953, ii.-iv., vi.-xiv., xvii., xxiii., xxiv. (1) *bis*, xxiv. (2), xxx. *only*), *America and West Indies.* New York, 580. *Nos.* 49, 49.i.-xvii.; *and* (*abstract of letter with marginal comments for reply*) *Board of Trade.* New York, 45. *pp.* 120-137; *and* (*duplicate of No.* xix.), *America and West Indies.* Canada, 485. *No.* 1.]

Nov. 28. **954.** List of warrants issued by Order of Council since the accession of Lord Bellomont to the Governorship of New York. (*See No.* 953, xxix., xxx.,). *One long roll. No date or signature.* [*America and West Indies.* New York, 580. *No.* 49, xviii.]

Nov. 28. **955.** Clause in the Bill proposed for the restraining and punishing privateers and pyrates. *Endorsed*, a true copy, Bellomont. ¾ *p.* [*America and West Indies.* New York, 580. *No.* 49. xix.]

Nov. 28. **956.** Memorandum of Letter from Lord Bellomont to the Council of Trade and Plantations. *No.* 953. ¼ *p. Enclosured,*

956. i. List of the officers of the Militia, Massachusetts Bay, June 29, 1700. Totals of the 14 Regiments—9,304 men. 20¾ *pp. Endorsed*, Recd. Feb. 18, 170⅓.

956. ii. Duplicate of preceding.

956. iii. List of officers of Militia, New Hampshire. Total, 750 men. *Same endorsement.* 1 *p.*

956. iv. Paragraph proposed to be inserted in the Act for preventing abuses to the Indians, passed by the General Assembly of the Massachusetts Bay, July, 1700. "All bargains, sales, gifts or leases of any lands appropriated by the Government to the particular use of the Indians heretofore made by any person or that shall hereafter be made, without licence first had from the General Court, shall be void." *Same endorsement.* ½ *p.*

956. v. Duplicate of preceding.

956. vi. (1) Petition of the Ministers, Wardens and Vestrymen of the Congregation of the Church of England in Boston to Lord Bellomont, praying for a clause to be added to the Act to prevent incestuous marriages, altering the clause which provides that no Minister shall marry any persons but such as one or both of whom are resident in the town where he is settled in the work of the Ministry. *Signed*, Samuel Myles, Chris. Bridge, *Ministers;* William Hobby, East

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Apthorp, *Wardens*; Tho. Newton, Fra. Foxcroft, Benj. Mountfort, Giles Dyer, John Indecott, John Cooke, Savill Simpson, E. Lyde, Thaddeus Macarty, Jn°. Nelson.

956. vi. (2) Minute of Council, Massachusetts Bay, July 8, 1700, refusing such a Bill, as unnecessary. *Signed*, Isa. Addington. *Same endorsement.* 1¼ *pp.*

956. vii. Duplicate of preceding.

956. viii. Three letters from Capt. Andrew Belcher, to Lord Bellomont, Boston, Sept. 23, Oct. 6, Oct. 14, 1700, dealing with the uses of tar, pitch and turpentine. *Copy.* 3 *pp.* (*See* Oct. 17, *Nos.* xxv., xxvi.)

956. ix. Robert Armstrong to the Earl of Bellomont. Newcastle, Nov. 8, 1700. There is a considerable quantity of plank, both oak and pine, sawed in this Province; since I received your Excellency's orders, here is two ships come to load with plank from Lisborn. They are making great preparations to saw a considerable quantity of plank this winter, in order to transport for Lisbon next spring. *Signed*, Robt. Armstrong. *Endorsed*, Recd. Feb. 18, 170$\frac{0}{1}$. ¾ *p.* [*Board of Trade.* New England, 11. *Nos.* 28, 28.i.-ix.; *and* (*memoranda of preceding only*) 38. *pp.* 384, 385; *and* (*duplicate of No.* ix.). *America and West Indies.* New Hampshire, 572. *No.* 4.]

Nov. 28. Whitehall. **957.** Journal of Council of Trade and Plantations. Draught of a circular letter to the Governors of Plantations, relating to the late agreement with Algiers, ordered to be transcribed.

Letter to Mr. Secretary Vernon, upon the same subject, signed.

Letter from Mr. Addington, Sept. 12, with a Minute of Council of the Massachusetts Colony, Aug. 7, enclosed, read.

Nov. 29. Draught of a letter to the Governor of Maryland ordered to be transcribed.

Letters of Governor Nicholson considered, and directions for preparing an answer given. Secretary ordered to write to Mr. Perry. (*See Nov.* 29, *infra.*) [*Board of Trade.* Journal, 13. *pp.* 259–261; *and* 97. *Nos.* 210, 211.]

Nov. 29. Whitehall. **958.** William Popple to Mr. Pery. Col. Nicholson, having signified his desire to the Council of Trade and Plantations that such French refugees as may be desirous to be transported to Virginia should apply themselves to you for their passage, and their Lordships having signified the same to some persons concerned in promoting that design, they have commanded me to desire you to let them know whether any such refugees have applied to you accordingly, and what numbers are now preparing to repair thither. [*Board of Trade.* Virginia, 38. *p.* 58.]

Nov. 30. **959.** Copy of a Privy Seal for the establishment of the Commission for promoting Trade. Order to the Treasury to pay the arrears due to the Commissioners, and their salary of 1,000*l.* a year

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henceforth quarterly,as also toWilliam Popple, senior, (500*l.* a year), and the other officers appointed 1697. Payment is also to be made to William Popple, senr., for such extraordinary charges incident to this business as shall be attested by the accounts thereof, to be signified by any five or more of our Commissioners. *Signed*, John Tench, deputy to Tho. Gosling. *Endorsed*, Recd. Dec. 6, 1700. 6 *pp.* [*Board of Trade.* Miscellanies, 1. *No.* 43; *and* 11. *pp.* 86–94].

Nov. 30. **960**. Memorial of some persons concerned in Barbados to the Council of Trade and Plantations. The Act for the better securing the liberty of His Majesty's subjects, and preventing long imprisonments, passed Nov. 3, 1697, is of very great importance to the island. We humbly offer the reasons which induced the Legislative Authority of Barbados to pass it. The General Assemblys there having had importunate and perpetual applications made to them, by those whom they did represent, to be relieved from arbitrary and illegal commitments and from long confinements in prison, which some of 'em had suffered, and all were very much concerned for, and apprehensive of, unless a timely remedy were provided to prevent those great mischiefs for the future; the General Assembly therefore taking into their consideration the weight of those grievances, did upon enquiry find the matters, which were complained of, to be true, and that the reasons of such unjust proceedings were; First, a power which some Governors and the members of the Council there had assumed to themselves, to punish what they thought was misbehaviours offered to y^{m}., by committing the parties, whom they were displeased with, without any trial or examination had of the offence, or any cause assigned in the warrant for their comittement, or without any limitation of time expressed therein; so as the imprisonment lasted as long as to force the prisoner to a submission and confession of a fault, right or wrong, or until he was utterly ruined. Secondly, the long delay of holding the Sessions, which sometimes have been put off for three years (they being called and adjourned at the will and pleasure of the Governor), though at the same time many poor prisoners, who upon trial were acquitted, were unjustly detained, and others miserably and mercylessly died without trial, to the utter ruin of their familyes. Thirdly, the refusing to take baile, because no writ of *Habeas corpus* was admitted, and the delay of trials were not only productive of the aforesaid mischiefs (which have been all avoided since the foresaid Act past), but also of divers others. For thereby persons, who were legally committed for small crimes have dyed in gaol, whereas, had they been tried in due time, punishments suitable to their crimes might have been executed upon them, and they and their families preserved, or if they had been bailed according to the Common Law, such ruin had been prevented. And these proceedings hath not only been injurious in respect of smaller criminals, but several also, who have been committed for great crimes, as murders, fellonys and perjuries, have not been brought

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to publick punishments, but sometimes escaped, and often dyed in prison, to the great encouragement of such villaines. Fourthly, becausc they did conceive it was their right as Englishmen, to have the benefit of the writ of *Habeas corpus*, as others of his Majesty's American Colonies enjoyed, and because the welfare of the said islands depends mostly upon trade and credit, and that before the said Act past, the said right was denied, and the judges being under no penalty for refusal, the Legislative authority thought it their duty, in consideration of what was done in the like case in England, to declare the right of the subject by a Statute Law and to prevent for the future the oppressions, which several in that island had unjustly suffered. *Signed*, Mel. Holder, Tho. Maxwell, Wm. Allamby, Wm. Cleland. *Endorsed*, Recd. Read Dec. 6, 1700. 3 *pp.* [*Board of Trade.* Barbados, 8. *No.* 62 ; *and* 45. *pp.* 177–180.]

Dec. 2. New Hampshire in New England.

961. Lieutenant-Governor Wm. Partridge to the Council of Trade and Plantations. I have omitted to trouble your Lordships with the affairs of this Province, presuming Lord Bellomont has already done it, having been personally present here, settled the Government according to His Majesty's Commission, appointed officers both civil and military, established Courts of Judicature, and with the Assembly pass'd such Laws as might tend to His Majesty's service and the good government of his subjects, by which means wee now enjoy peace and tranquillitie. But having of late been given to understand that some complaints have been exhibited against myself, for an irregular trade with Portugal and contracting with the Portuguez to supply them with Naval Stores, I humbly crave leave to lay before you the whole matter as indeed it is. I never made any contract with any of Portugall, nor ever thought of it , the first rise of any complt. was thus :—Mr. William Crouch and Compa., merchts. in Londo., owners of the *Friends' Adventure*, Jno. Wentworth, commander (wherein I was a small pt. concerned) orders the ladeing sd. ship with timber, as she and other ships had been wonted to do, for Lisbon, whereupon Mr. Allen, our late Governor, claiming a property in the soyle of this Province, demands of mee some consideration for ye timber, but not complying with him, he complains to my Lord Bellomont that I was driveing an irregular trade to Spain and Portugall with Navall Stores to the prejudice of England, etc. This I presume Lord Bellomont too easily credited, and ordered the ship to be stopped, until I produced a certificate under the hands of Messrs. John Bridger and Ben. Jackson, His Majesty's purveyors for Naval Stores, that the timber was not fit for His Majesty's service. Thereupon the ship was permitted to proceed on her voyage. However Crouch and Company, having another ship, the *Mary*, in this port, ordered the same voyage. My Lord Bellomont strictly forbids her loading until I gave 3,000*l.* bond she should go for England, and thither she was forced to goe, contrary to ye owners' orders, and very much to their damage. I'm very sensible, considering my circumstances, of the great obligation

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I lie under to promote His Majesty's interest in preventing any irregular trade, but when the merchants of England send their ships hither to load with such commodities as are neither forbidden by His Majesty nor prohibited by Act of Parliament, as sundry enumerated commodities are, I can't see my way clear to stop such ships, especially when I can make it evident such a trade tends very much to the interest of England, *e.g.*, the *Friends' Adventure* loaded hence with lumber for Lixbon, thence proceeds for London with the effects thereof and some other goods on freight, where this only ship one voyage paid the King 4,000*l.* duty, brings over to New England for the owners 4,000*l.* value of the manufacture of England for the supply of His Majesty's subjects here. It may also be considered that New England being large, and multiplying in its inhabitants, it will require yearly the clearing of land to provide bread for their sustenance, and since the timber cutt off such land is found not so fit for his Majesty's service as could be wished, if a trade therewith be prohibited elsewhere, so much will be quite lost, and the poor people, instead of improving their labour thereon to procure clothing from England, will be quite necessitated to keep sheep for their own clothing, which now they disregard, for that they have it cheap from England. The two principal comodities, the product of New England, wherewith returns are made for ye manufacture of England, are fish and lumber, and ye London factors find it very difficult to make returns for England equivalent to the goods yearly brought thence. They have already drained the country of most of its money, and if there be a prohibition farther laid on any of the native product of this country, England will loose the vending a great part of its manufacture usually sent hither, and New England must satisfie itself with soe much ye less, which can be beneficial to neither. I humbly pray the favour of your Lordships' direction in this matter. *Signed*, Wm. Partridge. *Endorsed*, Recd. Read Feb. 12, 170$\frac{0}{1}$. 4 *pp.* *Enclosed,*

961. i. Lord Bellomont to William Partridge, Boston, Ap. 22, 1700. (*No.* 354.vi.) *Copy.* 1 *p.*

961. ii. Lord Bellomont to William Partridge. N. Yorke, Sept. 16, 1700. *Copy.* $\frac{3}{4}$ *p.* [*Board of Trade.* New England, 11. *Nos.* 29, 29.i.,ii.; *and* (*without enclosures*) 38. *pp.* 373–378.]

Dec. 2. **962.** Journal of Assembly of Barbados. Only ten members appearing, the House adjourned for a fortnight. [*Board of Trade.* Barbados, 66. *p.* 422.]

Dec. 3. **963.** Minutes of Council in Assembly of Barbados. Petition of James and Elizabeth Cowse referred till next Council day.

Letter from the Council of Trade enclosing the Lords Justices' Order, July 18, 1700, relating to a return of the method of proceedings in the several Courts read. The five eldest members of this Board were appointed a Committee to draw up a full answer.

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Bill to encourage inhabitants to become owners of vessels, returned from Committee with amendments, was read and approved, and ordered to lie upon the table until His Excellency was duly informed and satisfied with the quantity of powder now in store, an account of which was ordered forthwith.

Act for destroying wild monkeys and racoons read the third time and rejected, and a new Bill, containing some material amendments recommended in committee, was ordered to be drawn.

New Bill, for destroying monkeys, racoons, foxes, drills, baboons and other such pernicious and mischievous creatures, read twice and ordered to be engrossed.

Lt. Col. George Peers brought in, as ordered, the wants and defects of the Fortifications of St. Michael's Division.

Petition of Mr. Frizell, setting forth that he being very drunk did drink the late King James' health and was thereupon committed to gaol, and had given security to answer the same at the next General Sessions, and praying for a *noli prosequi* to be entered, rejected for several reasons and for asserting a falsehood in the case of Mr. Horne.

Publick notice ordered to be given that Writs of Error be heard on Jan. 21 next. [*Board of Trade.* Barbados, 66. *pp.* 386–389.]

Dec. 3. Whitehall.

964. Council of Trade and Plantations to Governor Nathaniel Blakiston. The letters we have of late received from you, unto which we have as yet returned no answer, are dated March 12 and 24, May 28, July 5 and Aug. 6. We observe the reason you allege in the first for not sending an account of the number of planters and inhabitants and the promise you make to take care that it be exactly done. We desire you to be mindful of His Majesty's instructions for sending yearly accounts of the arms and ammunition and stores remaining in His Majesty's magazines. As to the division line to be run through Maryland and Pensylvania, we have sent to the Lord Baltimore that he may instruct his agents in Maryland to concur therein, and according as we receive answer from him, we shall inform you. We observe that you write in several letters about the difficulty of getting together a quorum of the Council in Maryland when occasion requires it, and have thereupon represented to His Majesty that Mr. Thomas Lawrence may be constituted a member of His Majesty's Council, and we doubt not his father, Sir Thomas Lawrence, will transmit unto him His Majesty's Order in Council for that purpose. We find it necessary to desire you to transmit unto us frequently lists of the Councillors that are residing upon the place, expressing in each list the changes that happen by the death or absence of any of them ; and to send us also from time to time repeated lists of the names of such persons as you think fit to supply vacancies in that Council with your observations upon them.

The Acts of the General Assembly that you have lately transmitted to us are now in the hands of Mr. Attorney General ; that for Religion being among the rest. When they come back

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to us, whatsoever has been alledged, either by yourself or by the Council of Maryland in their letter to us, shall be duly considered. It will be for the service of the Province that an Agent be constituted, with authority and instructions to solicite the dispatch of Acts lying either with the Attorney or Solicitor General and all other public business wherein the Province is concerned. The charge need not be great. It is a thing done by most of the Plantations, and proves very useful to them. We shall expect your answer to what we have writ you about a trade with the Western Indians, and whatever else you can suggest on that subject, after you have had the meeting which you intend with the Earl of Bellomont. You have done well in transmitting to us copies of what you sent to Mr. Secretary Vernon relating to Capt. Munday, and we desire you to send the like copies of whatsoever you shall write to other offices upon such publick occasions for the future. Though there may be many things sent to us in this manner upon which it is not proper for us to give directions, yet the whole is very necessary for our information. We acquainted the Lords of the Treasury with the account you give of the pirates' effects in your hands, and doubt not but, if you have not already, you will have due orders for the disposal thereof. We observe what you write about the proposals made by the Assembly for paying the public levies in money, but forbear returning any answer at present, so material a change requiring consideration. We desire you, as we shall do the Governors of all His Majesty's Plantations, that a memorandum be entered upon the Council books, to caution the said Council that whenever the Government of Maryland, by the death, absence or removal of a Governor or Lieutenant-Governor immediately commissioned by His Majesty, comes to devolve upon a President and the Council, the said President and Council do forbear to pass any Acts but such as are immediately necessary for the peace and welfare of the Province, without His Majesty's express order for that purpose. *Signed*, Stamford, Lexington, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *P.S.*— Reflecting upon what your predecessor, Col. Nicholson, has formerly signified to us concerning forts in Maryland, that they are of no use for the defence of that country, we think it so much the more necessary that due care be taken for regulating the militia, and that they be so disciplined and trained as to render them useful, whenever there may be occasion; we therefore particularly recommend that matter to your care. [*Board of Trade.* Maryland, 10. *pp.* 5-10.]

Dec. 3. Whitehall. **965.** Circular letter from the Council of Trade and Plantations to the Governors of the several Plantations in America. We send you a copy of an agreement lately made by Capt. Munden and Consul Cole with the Government of Algiers, by which all English merchant ships are exempted from being molested by the Algerians, on account of their not having passes, until the end of Sept., 1701, but after that time, if not provided with such passes, will be liable to be carried up to Algiers and have their lading

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confiscated ; and we desire you thereupon to take care that due notice be given thereof in your Government, that all persons concerned may thereby have opportunity to provide themselves with the Admiralty passes for their security in that occasion according to the instructions that have not long since been sent you by the Admiralty, with passes to be distributed accordingly; and in case you find occasion for a greater number of passes than you have yet received, you will do well to apply yourself in time to the Lords of the Admiralty, that you may be accordingly furnished with them. *Signed*, Stamford, Lexington, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* Plantations General, 35. *pp.* 358, 359.]

Dec. 3. Whitehall. **966.** William Popple to William Dockwra. The Council of Trade and Plantations, being surprized that they do not in all this while receive any answer from yourself or the Proprietors of East New Jersey to my letter etc. of Nov. 16, desire you to acquaint the Proprietors that if their Lordships do not speedily receive an answer to that matter, they shall be obliged to report upon it *ex parte*, as it now lies before them. [*Board of Trade.* Proprieties, 26. *pp.* 350, 351.]

[? Dec. 3.] Whitehall. **967.** J. Bass to the Council of Trade and Plantations. The continued advises by every ship of the distractions and anarchy of the Jersies, occasions me in all humility to request your Lordships' speedy care of them. His Majesty has been graciously pleased to refer their case to your consideration, and I entreat you to be speedy in taking measures for their relief and settlement, and in order thereunto that the Proprietors be commanded to bring in a speedy answer to the petition referred to your Lordships. *Signed*, J. Bass. *Endorsed*, Recd. Read Dec. 3, 1700. ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 73 ; *and* 26. *pp.* 349, 350.]

Dec. 3. **968.** Journal of Council of Trade and Plantations. Letter to Gov. Blakiston signed.

Memorial from Mr. Bass read, and thereupon ordered that Mr. Dockwra be pressed for a speedy answer to what writ him the 16th of the last month.

Draft of a letter to the Governor of Virginia was agreed upon.

Mr. Attorney and Solicitor attending, as they had been desired, in order to the explanation of their opinion upon the validity of Col. Foxe's authority to assume the Government of the Leeward Islands, after the consideration of His Majesty's instructions to Col. Codrington decd., as well as the Lords Justices' letter to the President and Council of Nevis, Sept. 29, 1698, and His Majesty's Commission to Col. Fox to be Lt. General of those islands, Nov. 15, 1699, they did agree that Col. Foxe's authority seemed doubtful, whereupon their Lordships gave directions for preparing the draught of a Representation to be laid before His Majesty upon that subject.

Circular letters to the Governors of Plantations, concerning the agreement with Algiers, were signed.

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Dec. 4. Letter to Governor Nicholson signed.

A postscript was added to the letter, signed yesterday, to the Governor of Maryland with relation to the militia of that Province.

Representation upon the Acts of the Leeward Islands, passed by Col. Fox, signed. [*Board of Trade.* Journal, 13. *pp.* 262–264; *and* 97. *Nos.* 212, 213.]

Dec. 4. Whitehall. **969.** Council of Trade and Plantations to the King. Some doubt having arisen about the validity of certain Acts of the General Assembly of the Leeward Islands, passed there by Col. Edward Fox, upon pretence of authority derived from your Majesty's Commission constituting him Lieutenant-General of the said Island[*s*], we humbly crave leave to lay before your Majesty the following state of that matter. Upon the death of the late Col. Codrington the powers and authorities of the Governor in Chief of those Islands did by your Majesty's instructions to the said Col. Codrington devolve on the President and Council of the Island of Nevis, who were also confirmed in the exercise of those powers by a letter from their Excellencies, the Lords Justices, of Sept. 29, 1698. Your Majesty was afterwards pleased by Commission, dated May 13, 1699, to constitute Col. Codrington, son of Col. Codrington, deceased, Captain General and Governor-in-Chief in and over the said Islands, but he did not set out from hence till about August last. Meanwhile, upon the death of Col. Collingwood, who commanded your Majesty's forces in the said Islands, your Majesty was pleased to appoint Col. Edward Fox to succeed him, and thereupon also to grant the said Fox a commission, Nov. 15, 1699, to be Lieutenant General of the Islands, and in case of the death or absence of the Governor-in-Chief, to execute and perform all and singular the powers and directions contained in your Majesty's Commission or Instructions to him. Upon Col. Foxe's departure from hence for the Leeward Islands, we understanding that he had desired a copy of your Majesty's Instructions to Col. Codrington, and thereupon doubting, least upon some mistake of the meaning and intention of your Majesty's Commission to himself, he might have thoughts of assuming that Government, we forthwith wrote to advise him that the Government of those Islands being upon the death of the late Governor devolved upon the President and Council of Nevis, and they being then in possession and exercise of the same, we were of opinion that they could not be dispossessed until the publication of your Majesty's Commission under the Great Seal to a new Governor, which letter was dated Dec. 21, 1699, and we have reason to believe it was delivered to him soon after his arrival in the said Islands. However, he has proceeded to take upon himself the powers of Commander in Chief of the Islands, dispossessing the President and Council of Nevis, who were settled in the exercise thereof, so that there was no vacancy nor want of an authority duly constituted, and he has passed several Acts in the General Assemblies of the Islands, some of which have been transmitted to us. The validity of the authority by which

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those Acts were passed being a point necessary to be determined, we have advised with your Majesty's Attorney and Solicitor General, and thereupon humbly represent our opinion that: Col. Fox has exceeded his commission by taking upon him to be Chief Governor and passing Acts in the General Assemblies ; that the validity of those Acts may hereafter be called in question as passed by an insufficient authority ; that your Majesty would therefore be pleased to declare all Acts so passed to be null and void ; that whatever is necessary for the good of the Islands in the Acts passed by Col. Fox may be executed in Assemblies legally summoned by the present Governor ; that all such persons as have acted pursuant to the Acts past by Col. Fox may be indemnified by an Act to be past for that purpose. *Signed*, Stamford, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* Leeward Islands, 46. *pp.* 125–128.]

Dec. 4. Whitehall. **970.** Council of Trade and Plantations to Governor Nicholson. Since ours of Aug. 21, we have received letters from you of the 1st and 27th of the same month, which containing for the most part only matter of information, do not require much answer. You will have seen by our last that we have proposed Mr. Lewis Burwell to be a member of his Majesty's Council in Virginia, and their Excellencies, the Lords Justices, having approved thereof, we doubt not but Mr. Perry, to whom we gave notice of it, will have taken out the Order of Council for that purpose, and sent it to him. We do not at present proceed to the nomination of any other, but whensoever you find the number of Counsellors residing upon the place comes by death or removal to be under twelve, you will always do well to give us notice thereof, and therefore we desire you to send us frequent lists, as well of the Council in being, as of persons fit to supply vacancies, with such observations upon each of their names, as you understand to be requisite. We observe the orders concerning returns of accounts, to which you refer us in the Council proceedings of the 9th and 10th of July, concerning which we have only to remind you of our desire, signified Aug. 21, for reforming the method of your naval officers' accounts, and that you take care to transmit unto us regularly all accounts whatsoever, in good form, according to your instructions. More particularly we desire you to be mindful of sending home yearly accounts of the arms, ammunition and stores remaining in His Majesty's magazines in your Government, and to see that it be done accordingly. And having some while since observed that the Council of Virginia have been of opinion that forts are of no use for the defence of that country, we desire you so much the rather to take care that the militia be duly regulated and frequently exercised. Whatever scruple you may have about entirely concerting affairs, as you express it, with Mr. Penn, or any other Propriety Governors, there can be no objection against your corresponding and conferring with any of them, as occasion offers, for his Majesty's service, which, whatever they aim at, we are well assured will be the end of all your proceedings, and the advices and informations you may thereby

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be enabled to give us will be always very acceptable. Your care in placing the French refugees that went over with the Marquis de la Muce and M. de Sailly was very well, and we hope will be an encouragement to other refugees to follow, in order whereunto we have, according to your desire, intimated to some of them, that they will do well to apply themselves to Mr. Perry for his assistance in their passage. As to the case of the *Mary Ann*, which brought the first refugees to Virginia, that being properly a business under the direction of the Commissioners of the Customs, you have done well to send it to them, and we must refer you unto them for answer. We have nothing more to add unto what we writ you, Jan. 4, concerning the boundaries between Virginia and Maryland. We desire you, as we shall do the other Governors, that a memorandum be entered upon the Council books to caution the Council, that whensoever the Government of Virginia, by the death, absence or removal of a Governor, or Lieut.-Governor, immediately commissioned by His Majesty, comes to devolve upon a President and the Council of the Province, they do forbear to pass any Acts but such as are immediately necessary for the peace and welfare of the Province, without His Majesty's express order for that purpose. *Signed*, Stamford, Ph. Meadows, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* Virginia, 38. *pp.* 59-62.]

Dec. 5. **971**. Invoice of goods to be shipped on H.M.S. *Advice* as part of His Majesty's present to the Five Nations of Indians. *Endorsed*, Recd. from Mr. Champante, Dec. 5, 1700. 1¼ *pp.* [*Board of Trade.* New York, 10. *No.* 33; *and* 55. *pp.* 15, 16.]

Dec. 5. Kensington. **972**. Order of King in Council. For preventing any doubts that may hereafter arise concerning the validity of certain Acts of the Leeward Islands, the Lords Commissioners of Trade and Plantations are directed to write to the present Governor that he cause all the Acts of Assembly past by Col. Fox in those Islands to be laid before the respective Assemblies there, in order to their confirming or repeating such of them as he and they shall think fit. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 9, 1700. ¾ *p.* [*Board of Trade.* Leeward Islands, 7. *No.* 9; *and* 46. *p.* 129.]

Dec. 5. **973**. Wm. Dockwra to [Wm. Popple ?]. I have communicated your letter [Dec. 3] to some of the Proprietors. Their answer to the remonstrance of those seditious complainants from E. Jersey has been ready these six or seven days, but there being another paper to be also laid before the Council of Trade and Plantations, which is to be signed by certain members of the Province of West Jersy as well as East Jersy, the difficulty of getting them together is such as takes up so much time, several of them living in the country, that I could not have them closed fitt for delivery till another meeting, appointed to be to-morrow evening. I hope on Monday we shall be able to dispatch them to attend their Lordships. *Signed*, Wm. Dockwra. *Endorsed*, Recd. Read Dec. 6, 1700. [*Board of Trade.* Proprieties, 5. *No.* 74.]

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Dec. 5. Kensington. **974.** Order of King in Council. Referring enclosed petition to the Council of Trade and Plantations. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 17, 1700. ¾ *p. Enclosed*,

974. i. Petition of John Hallam and Nicholas Hallam, inhabitants of New London, Conn., to the King. Refers to Order of Council, March 9, 1699, etc. (*A. and W. I. Calendar*, 1699, *Nos.* 160, 161, etc.) This Order having been read in Assembly, petitioners did lately bring their suit in the Prerogative Court of New London. (*See Cal.* 1699. *No.* 120.i.), and tho' they did plainly prove insanity, the Court gave judgment against them. Whereupon petitioners appealed to the Court of Assistants at Hartford, in May last, where the said judgment was affirmed. Petitioners then prayed the benefit of your Majesty's Order, and demanded of the said Court an Appeal to your Majesty in Council, which they did absolutely deny and refuse, and John Winthrop, who is not only Governor of the Colony but one of the Judges of the said Court, did then publicly declare no appeals from thence should be allowed to your Majesty in Council, and before any should be allowed, they would dispute that point with your Majesty. Nicholas Hallam has, by their contempt of your Majesty's order, been obliged to take upon him the fatigue and expense of a voyage to England to make further application to your Majesty for relief. *Copy.* 2¾ *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 75, 75.i.; *and* 26. *pp.* 391–396.]

Dec. 5. Kensington. **975.** Order of King in Council referring enclosed petition to the Lords Commissioners of Trade and Plantations to examine, and thereupon to write to the Governor of the said Island to direct the Court of Chancery there to sit according to antient usage for the despatch of business and preventing the mischiefs arising to suitors by unnecessary delays. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 30, 1700. 1 *p. Enclosed*,

975. i. Petition of John Loder of Hinton, Berks, Mary Crofts and Martha Fredrick, widows, to the King. Petitioners are interested to a considerable extent in Barbados, and interested in a suit sometime since commenced in the Court of Chancery there, but are much discouraged from the further prosecution thereof by reason the said Court does very seldom sit to do business, being frequently adjourned, and sometimes for five or six months together, tho' many hundreds of causes remain there undecided; whereas formerly the said Court did use to meet once in a month and sit as many successive days as were found necessary to dispatch the several causes there depending. Petitioners pray your Majesty to give such order that they and other suitors in the said Court may receive more speedy justice. *Copy.* 1 *p.* [*Board of Trade.* Barbados, 8. *Nos.* 65, 65.i.; *and* 45. *pp.* 190, 191.]

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Dec. 5. New Hampshire in New England.

976. Lieut.-Governor Wm. Partridge to the Council of Trade and Plantations. I have lately received from Lord Bellomont an order from your Lordships for transmitting an acct. of the methods of proceedings in the several Courts, in obedience whereto I enclose a copy of the law of this Province for establishing Courts of Judicature for tryal of all causes, wherein all methods of proceeding therein are particularly mentioned, and a special regard had to the direction of His Majesty's commission in matters of appeal. *Signed*, Wm. Partridge. *Endorsed*, Recd. Read Feb. 12, 170$\frac{0}{1}$. $\frac{3}{4}$ *p. Enclosed*,

976. i. Copy of Act for establishing Courts, passed at a General Assembly, New Hampshire, Aug. 17, 1699, referred to above. $3\frac{3}{4}$ *pp. Seal. Endorsed*, Recd. Feb. 12, 170$\frac{0}{1}$. [*Board of Trade.* New England, 11. *Nos.* 30, 30.i, ; *and* (*without enclosure*) 38. *pp.* 380, 381.]

Dec. 5. **977.** Journal of Council of Trade and Plantations. Sir Henry Ashurst laid before the Board his commission as Agent of Connecticut, Oct. 15, 1699, which was read and a copy ordered to be kept. He delivered also a letter from the Governor of Connecticut to the Board, dated Oct. 15, 1699, and another from the Governor and Company of Connecticut concerning appeals from thence to His Majesty in Council, concerning which matters he promised to bring memorials in writing. The said letters being read, ordered that Mr. Brenton have notice that there is now an Agent for Connecticut, and that he give his answer to the claim of that Colony to the Government of Narragansett Country, which they delivered to Lord Bellomont, and of which he was given a copy on Nov. 1.

Dec. 6. Letter from Mr. Dockwra, Dec. 5, read.

Agents of Barbados presented a memorial, which was read. The agents were informed that the business of His Majesty's revenue therein referred to was peculiarly under the cognizance of the Lords of the Treasury, so that this Board could not properly meddle in it without particular direction. Their Lordships then proposed to the Agents some doubts that had occurred upon reading an Act of that Island relating to the pressing of seamen, whereupon they promised to inform themselves and to return an answer on Wedn. next.

Act of Barbadoes *for the better securing the liberty of His Majesty's subjects, etc.*, 1697, read, together with a memorial brought hither by Mr. Bridges, setting forth the reasons of the Legislative Authority there for passing it. Secretary ordered to desire the agents to give instances of grievances, etc. therein mentioned. (*No.* 960). [*Board of Trade.* Journal, 13. *pp.* 265–269 ; *and* 97. *Nos.* 214, 215.]

Dec. 5. City of Williamsburg.

978. Minutes of Council of Virginia. Commission appointed to administer the oaths and test to the Burgesses and to the Clerk of the Assembly. [*Board of Trade.* Virginia, 55. *p.* 45.]

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Dec. 5. College of William and Mary. **979**. Journal of the House of Burgesses of Virginia. 28 Burgesses took the oaths, etc. appointed, and met in the College Hall. William Randolph, Clerk of the House, took the oaths appointed.

Dec. 6. The Governor, being indisposed, summoned the Burgesses to attend him in his bedchamber, where he directed them to choose a Speaker or adjourn. They adjourned till to-morrow.

Dec. 7. Alexander Spence, James Westcombe and William Fitzhugh having taken the oaths took their places as Burgesses.

The Governor sent a message to say that the respect and kindness he bore to the House was such that he presented it with a gown to be worn by Mr. Speaker, and with a Mace to be borne before Mr. Speaker, after he is confirmed by His Excellency, as an ensign and token of honour and power, by one who is to be commissionated to that office. Mr. Peter Beverley was chosen Speaker, in spite of his modest excuses. [*Board of Trade.* Virginia, 54. *pp.* 25–29.]

Dec. 5. **980**. Minutes of Council in Assembly of Virginia. Dionisius Wright commissionated Clerk of the Assembly, and William Randolph Clerk of the House of Burgesses.

Dec. 6, 7. *See preceding abstract.* [*Board of Trade.* Virginia, 55. *pp.* 309–311.]

Dec. 6. **981**. Agents of Barbados and others to the Council of Trade and Plantations. Barbados by its situation and trade has been a store house and defence to all His Majesty's other Plantations to windward of Jamaica, and hath in all times of need very much contributed by great expence of money and people to the security of them, and particularly in the late war, by raising and equipping three regiments of foot-soldiers at its own charge for the reduction of St. Christopher's and invading the French islands, wherefor and for the hire of transport ships, the inhabitants subjected themselves to a very great debt, and by so many white mens' going off the Island, as those regiments consisted of, they were forced by a law for the incouraging importation of white servants to be at the charge of above 40,000*l.* sterl. to recruit their militia. By their great losses at sea during the war, the very high duties laid on the commodities of the growth of the Island exported, by the mortalities of many thousands of their negroes, which reduced them from 70,000 to about 40,000, whereby more than one-third part of their lands which used to be planted for sugar, ginger and cotton, lie uncultivated, and by that means not above 220 or 230 ships are yearly imployed, whereas there used to be near 400, the inhabitants are reduced to so weak and declining a condition by these and other misfortunes that they have been unable to keep the forts and fortifications in repair or to furnish their magazeen with the stores requisite, and they are in a very defenceless condition, and the sence they had of the danger they were exposed to in the late war, put them upon supplicating His Majesty that an ingeneer might be sent from hence to view the state of the fortifications there and to consider what might

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be necessary for the defence of the Island. Whereupon Mr. Talbot Edwards was sent. His report is before your Lordships, and the General Assembly think it their duty to represent the weak condition of the Island, in the hopes that by your Lordships' favourable interposition in a time of peace, what is needful may be done. In order thereunto, as we are instructed, we humbly represent that there is a duty of 4½ per cent. of the commodities of the growth of the Island exported thence, collected by His Majesty's officers there, which was granted by an Act of the Island to King Charles II for maintaining the honour and dignity of His Majesty's authority, the charge of the publick meetings of the Sessions, the often attendance of the Council, the reparations of the forts and all other publick charges. This impost hath been diverted from the purposes for which it was given and therefore it is humbly hoped that your Lordships will lay this matter before His Majesty that he may be graciously pleased to order that it be applied to the uses mentioned in the Act (Sept., 1663), whereby the forts of the Island may be in some measure put into repair. *Signed*, Kendall, Richd. Bate, Samll. Burwick, M. Crowe, Wm. Allamby, Wm. Walker, Wm. Cleland, Nath. Rous, Jon. Harwood, Will. Boothe, Rich. Grey, Tho. Maxwell, John Gray, Tho. Sutton, Robert Walke, Richd. Parsons, Thos. Gonning, Edw. Littleton, Wm. Bridges, Mel. Holder. *Endorsed*, Recd. Read Dec. 6, 1700. 1 *large p.* [*Board of Trade.* Barbados, 8. *No.* 63; *and* 45. *pp.* 181-185.]

Dec. 6. **982.** [William Popple ?] to the Agents of Barbados. The Lords Commissioners for Trade and Plantations, after your withdrawing from their Board this morning, read the Act of Barbadoes for the better securing the liberty of His Majesty's subjects within that Island, and preventing long imprisonments, as also the memorials signed by Mr. Holder, etc., setting forth the reasons which induced the Legislative Authority there to pass it. They desire you to give them what instances you can of the particular oppressions or grievances of any kind that are mentioned either in the said Act or in the memorial; and more especially to instance, wherein the inhabitants of Barbados do not enjoy the same liberties as the inhabitants of the other Plantations under His Majesty's immediate government. [*Board of Trade.* Barbados, 45. *p.* 186.]

Dec. 6. N. York. **983.** Governor the Earl of Bellomont to Mr. Secretary Vernon. I have received the favour of your letter of Aug. 11, and am much obliged to you for your approbation of my letter to the Council of Trade, June 22, about Naval Stores. You will find by the letter I now write 'em what a bargain I have made for the King for masts. I will undertake, if these men perform their bargain, I will save the King the best part of 20,000*l.* a year in masts, boltsprits and yards for his ships of war. Pray read over my list of prices of masts and let the King know the service I am doing him. I begin to think I deserve well of the King, and I wish he

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would let me see he thinks so too. I protest I am quite tyr'd out with taking pains for the publick without any profit to myselfe. I can apply two texts of Scripture to myselfe, that of muzzling the ox that treads out the corn, and that of the labourer's being worthy of his hire. I cannot but be amaz'd at the delay that's us'd in approving that Act of Assembly I sent home a year and a half ago for vacating some of Fletcher's extravagant grants of lands, a thing we were commanded to do. It raises the insolence of the faction here, and is a mortification to all those honest people that stood by me in passing that Act. No, I have not so much as been afforded the least reason why that Act has been under so long a suspension. The Act that bestowed me and the Lieut-Governor 2,000*l*., this money, between us, is of the same age with 'tother Act, and if I were to make an estimate of my interest at Court by my usage in that Act, I must think I stand the last man in the list. As to Kidd's pretence of urging to his owners the necessity of allowing the seamen pay, I can safely take my oath there was no such thing, but so far the contrary as that as often as I saw him he told me he knew the pyrats' haunts so well that he could sail directly to 'em. But his articles with me which I sent you will shew his mind in that matter. For when we don't hear a man treat of a bargain, his hand and seal is the best evidence of his assent and consent to a bargain. As to my letter I writ to Kidd by Burgesse, and which Capt. Lowth intercepted, I own I writ to him to come to N. Yorke, and if it be rightly consider'd I did therein what became me. Upon my first coming hither I had reason to suspect he was turn'd rogue or pyrate, for contrary to his articles with me he came hither to N. York, and here staid about three moneths, and Mr. Livingston whom I found here before me told me he had some reasons to fear he would turn pyrate. Two of his reasons were, a bargain whisper'd about that Fletcher had covenanted with Kidd to receive 10,000*l*. if he made a good voyage, the other was the dissolute life Kidd had liv'd during the three moneths he staid here. But when I writ that letter to Kidd by Burgesse, I had an account he was certainly turn'd pyrate, and then I could not be blam'd to have a just indignation against him, and to try by all means to get him into my hands, and 'tis plain menacing him had not been the way to invite him hither, but rather wheedling, and that way I took, and after that manner I got him at last into Boston. If I was faulty in the letter I writ by Burgesse, I was no less so in that I writ by Mr. Cambel, wch. brought in Kidd to Boston. As to the charge against me for suffering the ship *New York Marchand* to come hither after having been at Madagasear, I have inquir'd about it, and the story of that ship is this. Frederick Phillips, her owner, had appointed her to stop at Delaware Bay, which is 50 leagues westward of this Province, and there his son met her in the *Fredericks*' sloop, takes out all her East India goods and sends the *Fredericks*' sloop and goods to Hamborough (the story whereof you know), and comes to this town in the *New York Marchand*. Upon notice of the ship's coming in (for the sloop I never heard of till from yourselfe),

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I sent immediately to search her, where there was nothing found but a parcel of negros ; and the trade for negros to Madagascar was not then under a prohibition, nor until the E. India Act pass'd in England. I defie all mankind to charge me justly with any sort of corruption in the least degree, or with any connivance or partiality shew'd to one man or party more than another.

I desir'd you in my letter by the *Newport* frigat to get Peter Mathews and two other Lieutenants exchang'd. If I have not trusty officers 'tis impossible to get the souldiers to work at Naval Stores. I beg of you to get Major Ingoldesby exchanged. If my scheme for regimenting these 400 men takes, then the Lieut. Col. or Major will properly succeed to Ingoldesby's Company. There ought to be a world of care taken in the choice of the Lt. Col., Major and Captains that are sent over, and I must relie on your favour and care in that matter, otherwise I shall have a parcel of Tories and perhapps Jacobites put upon me by a certain gentleman who sits one of the Council of Trade, whose custome it is on such occasions to make sale of imployments to any sort of trash as will give him mony. That most valuable design of Naval Stores depends in a great measure on the choice of good discreet officers to manage the souldiers in working. Capt. Nanfan, my Lieutenant Governor here, is necessitated to go to Barbados to look after his wife's fortune. I desir'd you about a year ago to get and send the King's leave for his being absent four or five moneths from his post. He is now going by my consent, since he must otherwise quit his imployment. I am under all the uneasinesse in the world at the intolerable folly and mismanagement of Mr. Weaver and Mr. Champante. Mr. Weaver had received a 150*l.* of the King's money from Sir Wm. Ashhurst without any direction from me, and Mr. Champante has been foolish enough to let him have 425*l.* of the King's mony, and still without any direction of mine, and sends me a foolish account of Mr. Weaver's and bill of exchange, and bids me reimburse myself. When the Council and I examined the account, we found it so extravagant that not a man of us (nor I whose interest it is to allow it, that I may be reimburs'd) could consent to almost any one article in it. The marchands here, getting the wind of this, are not willing to let me have mony on my bills of Exchange drawn on Mr. Champante, they have such a notion of his unfitnesse for businesse, and thinke he squanders the rest of the King's mony as he has done this to Weaver. So that I that had begun to pay the officers and souldiers their subsistence in mony duly every Saturday, am in a fair way of being ruin'd for want of credit. Mr. Champante has neglected to send the souldiers' cloaths. He sent a few sutes by the *Advice* frigat, and he had much better have sent none, for a few souldiers cloath'd gives discontent to the others that are naked. In short, the recruits I have sent to Albany are gone away in all the discontent imaginable for want of cloaths, so that I fear I shall hear of some notable mischief this winter at Albany. And now the River is shut up with ice, so that 'tis not in the art of

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man to send up the cloathing, if it were come, till the beginning of April. One Capt. Wake who arriv'd here above a moneth ago with a stout marchand ship was to have brought Mr. Weaver and the souldiers' cloathing, and he and Weaver fell out and arrested one another. And Mr. Champante writes me word Mr. Weaver told him Capt. Wake refus'd to bring the cloathing. Mr. Champante should not have taken Weaver's word in that case, but should have taken a refusal from Wake himself, who offer'd me to swear that the cloathing was never offer'd him. Mr. Champante can never find time to send me an account of the King's money, how he lays it out. Certainly every man that knows the eternall toil of businesse I undergo in this place, and the opposition and trouble given me by an angry party of men here, will judge I have enough to perplex me here, without being so very ill us'd by those I trust in England. The trouble of this usage makes me very indifferent as to the truth of what's reported here of my being speedily to be call'd home. 'Tis said the Bishop of London has writ to the Minister of this place, Mr. Vesey, who herds with the angry party, that by Easter he and his friends will be rid of their grievance. Mr. Basse, too, has writ to severall people in the Jersies that I shall speedily be displac'd, and he shall be a main instrument in getting it done. As to the good Bishop, he has espous'd Fletcher with all his corruptions against me. I have nothing to say to him but that he is as wise as he is learned. Basse is the most a scoundrel that I ever knew; he will bragg and lye with any man living, even with Col. Fletcher, and is a rank coward, was kick'd on board the *Deptford* in our voyage from Barbados hither. I sav'd Mr. Heathcot and his partners some thousands of pounds that Bradish and his associates ran away with, and they have been such clowns as never to send me a line of thanks. *Signed*, Bellomont. *P.S.*—I desire you will do me the favour to assist me in getting the mony I laid out for my journey to Rhode Island by your own order, and for taking of Gillam the Pyrate. It was laid out in Boston Government, where the King has no sort of revenue; and here it will not be allow'd by the Commissioners of Accounts, who to speak truth are in the right on't. The Lords of the Treasury are very nice indeed, if they will not allow payment for such services as are done by the King's Order.

I have sent to look for Gillam the Pyrat's mony, but have not yet found it, and have writ to Mr. Penn to examine those men whose names were sent in the list, and who live in Pensylvania. One Henry Head was lately in the country looking for Gillam's money, as I hear. Since my writing to you to get Mathews and Bulkeley exchanged, the Lieutenant-Governor interposes so heartily for 'em and undertakes for their faithful behaviour to the King, that I am prevail'd on to continue them in their present posts. *Endorsed*, R. 19 July, 1700 (1701). *Holograph.* 9 *pp.* *Enclosed*,

983. i. Account of money laid out by the Earl of Bellomont upon his journey to Rhode Island (71*l.* 17*s.* 3*d.*) and

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upon seizing James Gillam, Pyrate, (60*l.*) = 100*l.* 12*s.* *sterl.* *Signed*, Bellomont. ½ *p.* [*America and West Indies.* New York, 580. *Nos.* 50, 50.i.]

Dec. 8. Pennsylvania, 10br. 8, 1700.

984. William Penn to the Council of Trade and Plantations. Honorable Friends, I have received yours of Aug. 1 with two letters, signed by the King, which shall be exactly complyed with. Our method of Court proceedings will come along with our Laws, which we have just now revised for the King's approbation, and the benefit of this Colony; and so soon as they can be transcribed, being not yet publisht, but in the capital County, they shall waite upon you. For pyrats, we have none since the sending of those of Kid's crew, unless you will let me call them so, that I mention'd to you in my last, viz., four or five that had leave of Governor Fletcher to live here. I told you they had been traffiking on bord of Kid, tho' they say, unknown, and that what I could reach I had seiz'd, and expected the King's orders. Their value I do not exactly know, haveing refused the Judge of the Admiralty to have them condemned as prohibited goods and so divided by thirds, least the King should think them pyratical, and to be treated another way. I suppose they may amount to the value of 300*l.*, our money. The other day I had a letter from the Earl of Bellomont, in persuance of one to him from Secretary Vernon, to call upon me for some bonds due to ye late James Gillam, executed for pyracy, yt, ye day before his execution, he discovered to have been left by him in the hands of one Birch of this Province, and to send them to him, or at least their value. I have sent for the man, who lives about 40 miles back in the woods, and expect him here every day, but, least the rigour of the season should not suffer his comeing soon enough for this conveniency from New York, I thought fitt to send this before hand. I am divided what to do, for the King's commands, twice repeated since my arrival, charge me with ye returne of such treasure or goods; and the Secretary's letter directs Lord Bellomont to call upon me for them. However, here is no opportunity to do it at present either way; but shall be one or other, so soon as the season will allow me, either ye goods or ye utmost value of them, which I beg may be communicated where it is proper. I beleive my last letter will let you see I was beforehand with Gillam's confession, and not to be vaine, it had the pains and care of much a greater sum bestowed to finde it out, but short of what Secretary Vernon writes to the Earle of Bellomont, which is 400*l.* (*sterl.*). And if such bonds should be found, there is but one of the four persons able to pay, and it may be that will be a difficulty too. I have them all under bonds for their appearance at any time within a year and a day, which bonds were given last spring, but I'le take care to renew them, if no directions come timely. Perhaps the King therefore orders ye Secretary to direct Lord Bellomont to receive ye sayd goods or value for the garrison of that Colony, and if so, I shall not dispute ye remitting them, especially if your next says nothing to the contrary. I was to

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waite upon him in company with the Governor of Virginia, for Col. Blakiston fell down of a feaver and ague at Burlington in West Jersy; where we left him and proceeded to New York with much ado; for Col. Nicholson failed 14 miles from Burlington, and with great difficulty got to New York in four days, though but 90 miles, where remaining 14, very uneven in his health, and sometimes extreamly weak, and so unfit for much business, our meeting had not so ample and good an issue as was intended, tho' eight or ten heads were agreed upon to be represented home, that would certainly tend to ye good of yse Colonies. I came away in such hast, because our General Assembly was near convening, and yt we proposed but five days to stay at New York, that I took no copy of those heads, leaving the original with the Earl of Bellomont. *Enumerates the Heads agreed upon* [See Oct, 17,] "with some fresh thoughts." *Upon article* 4, *recommending to ye Colonies a stricter method about marriages*, he desires the Lords Commissioners' "perusal of our Law that comes by the next opertunity, for ye great scandals [*of bigamy*] that lies upon the American Colonys calls for a reformation in this perticular with some expedition. [5] That a General Post were settled, not only here, which in measure is done, but that there were two or three little Post Vessels by the King appointed to bring and carry letters at those seasons especially when greater ships cannot or do not so usually come or go, for the benefit of trade and privat conveniences, as well as more public affairs of the Crown. (6) That sums appealable were the same in all the Colonys, at 300*l.* or 400*l.* or 500*l.* (7) That allowances may be made in hearing of appeals by the Lords or Commissioners thereof *secundum æquum* and *bonum*, and not by the strictness of ye forms of ye laws of England, the infancy and ignorance of these Colonys having not the benefit of able lawyers to help them in their commerce and transfers of titles of lands, etc. (8) That some encouragement be given by the King to such persons as shall discover Pyrats or their goods; for as yet there has been none; the want of which may tempt covetous persons to conceal them, to ye prejudice and loss of the public and dishonour, if not blame of the respective Govermts. at home, yt yet may be very innocent of the crime. The Laws of Trade are more favourable in that regard to the discoverers. (9) The Law about wool being transported from Province to Province, proves a severe, and which is worse, an impracticable thing in these parts, where Provinces are parted by small rivers, perhaps thickly seated; one side it may be wholy employ'd to corn, the other to sheep; and the inhabitants so poor as in some parts of New England, they cannot goe to ye price of English cloathing, but must have their neighbour's wool to spin for their backs, or starve for cold in ye winter, wherefore they take this course to evade ye law, geographically hard to execute, as well as from necessity, they buy 1,000 sheep with the wool upon their back, and sell them so soon as shorne, perhaps to those they had them of, upon an understanding between them. If it should ever happen that ye Woollen Act should come under a further

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consideration, it would deserve your second thoughts to make it more practicable here. I can assure you we are the least concern'd of any Colony in the affaire, becoming already too delicate to ware our own growth or manufacture, which the country feels by the disproportion that is between the goods we have from England and ye returns we are able to make, insomuch that of ye most monyed Province upon ye maine, Boston and N. York excepted, notwithstanding our infancy, we have been forc'd to send it in specie for England to answer (perhaps, our superfluity as well as) necessarys. But for that reason, we are falling upon tobacco, and shall this year advance from 1,500 hogshds. to 3,000 or 4,000, and divers are resolved to make as much as shall pay the marchand, and then they have their West India trade, by provisions, to themselves. I know I have forgot three or four particulars, and here started neer as many new ones, with an entire thought of service to the Crown, in which regard, tho' a Proprietary, I shall never plead any privilege against the zeal or duty that recommends any of the King's Governours, so farr as my skill or power shall enable me.

Dec. 13. I have examined Birch, who has upon his deposition declared, that he never had any bond of James Gillam's but one, and yt was from Peter Lewis for fifty pds. this country mony, which was by him given to me, when I had that whole affaire in examination. However, I have herewith enclosed a coppy of the particulars they owned to have received from Kid's ship, and which were, I presume, Gillam's. What is missing and what remains, with an estimat of ye first by the Sherrif and Clark of the County they live in, and ye Judge of the Court, and a Marchand, all of good reputation; for which I have their bonds, to answer for them, when I should call upon them on that account. I beg your care of me, that I come to no charge or trouble about Lumby's business and the *Providence*, that never intended any gain by her. I well remember it was made a fault agst. our people here, that they offer'd to be his security, or rather the owners' and freighters', to the High Court of Admiralty in England, to stand to the decission thereof, tho' strangers to both; it appearing that they had been five moneths by ill weather at sea; that they only mistook our Capes for those of Virginia, had no forbidden goods abord, and that the ship was in both our Collectors' catalogues from ye Commissioners of ye Customs of registered and lawful tradeing ships, and that both the Capt. and Carpenter who helped to build her, and ever since had been her carpenter, did, upon their oaths, tend'red by the Judge of the Court here, declare she was a registered ship, and that the Capt. had her register a short time before her saylng out of England. Now it so happens that inhibitions are come from ye Lords of the Admiralty, commanding the ship and goods out of Col. Quary's hands, the Advocat's (Moor) and myne, and all of us to answer the owners' and freighters' plea at home before ye High Court of Admiralty, where they have given security to stand ye judgemt. thereof—a great change and a severe disappointment to the Admiralty Officers here, especially if their judgmt. should be

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reverst; for besides the ship, that by neglect is sunck, and ye frost has enclosed her, the goods with damages are likely to be recovered, and must ruine these gentlemen, for the market and voyage (if not two voyages) are lost by it. Now inasmuch as I refused my third, and told the Capt. that my share of ship and goods I returned freely to the owners and freighters, and have not so much as my labour for my pains, I begg orders may be taken to prevent charge or trouble to me on yt account. It were much for the King's service that here were some ould and judicious Attorney, well practised in ye customs and methods of the Doctors Commons, that might advise in ye proceedings of the Admiralty Court here, since the gentlemen concern'd freely acknowledge their unacquaintance in the Civil Law, and with ye practice of that Court. It would be a means to preserve a faire understanding between the Civil and Maritime Courts, which cannot else be done, tho' Col. Quary has promist me in all doubtfull cases, where the Civil and Admiralty jurisdictions border, he will joyn with me to represent the matter home for advice. But it may happen some cases will not allow that time. There is another unhappiness I think it may become me to represent, and that is Col. Quary's having no sallery to support him; for he is obliged to be frequently absent upon tradeing voyages to Maryland, Virginia and Carolina, for ye Company he serves, and is certainly a dilligent factor, but as that has cost him neer eight months of the twelve yt I have been here, so I do believe you cannot think it is for ye King's service. *Signed*, Your faithful and obliged Fd. Wm. Penn. *P.S.*—Charlewood Lawton I hereby present to you as my Agent for this Govermt. W. P. *Endorsed*, Recd. Feb. 18 $170\frac{0}{1}$, Read April 1. *Holograph.* 17 *pp.*
Enclosed,

984. i. Abstract of preceding, with marginal notes for reply. 3 *pp.*

984. ii. Deposition of Adam Burch that he never traded with James Gillam, and never meddled with any kind of bond concerning him, save one of 50*l.* due by Peter Lewis to Gillam, which was left in deponent's house, and which he delivered to Governor Penn. *Signed*, Adam Burch, his mark. Sworn before John Moll, J.P. for Philadelphia, Dec. 12, 1700. *Countersigned*, A true Copy, Wm. Penn. *Endorsed*, Recd. Feb. 18, $170\frac{0}{1}$. $\frac{3}{4}$ *p.*

984. iii. An account of the goods received from on board of Capt. Kidd by George Thomson, William Orr and Peter Lewis. Chiefly silks, muslin and calicoe. Valued at 99*l.* 15*s.* 9*d.*, 63*l.* 3*s.* 9*d.* and 35*l.* respectively, by Nehemiah Field, Jonathan Baily, Willm. Clark, Saml. Preston. *Same endorsement. Copy.* 3 *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 76, 76.i-iii.; *and without enclosures*, 27. *pp.* 17–32.]

Dec. 9. **985.** Proprietors of East New Jersey to the Council of Trade and Plantations. Reserving to themselves the benefit of a further defence, after they shall have transmitted the Remonstrance of

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the inhabitants to the Governor of that Province and received a reply from him, the Proprietors for present answer say that this complaint is sent from a few factious and mutinous people, impatient of any Government, and proceeds merely from a design to deprive the Proprietors of their right to the soile and quit-rents of the Province, and to strip His Majesty of his legal rights to that and other Plantations, and to render them independent of the Crown. The American countries being first discovered by the English in the Reign of Hen. VII. and more fully under Elizabeth, have ever since, by Letters Patents from that Queen and the succeeding Kings, been granted to Planters under small quit rents payable to the Crown or its grantees. And though the Kings of England and their grantees have permitted and sometime encouraged the Planters to purchase the soyle from the Indians, which they doe for trifles, yet that method was not used of necessity, or for defect of sufficient title in the Crown, or its grantees, but merely to avoid wars with the savage natives, who were formerly more numerous there than the English, and to bring them over, by such gentle usage, to the Christian faith. This method of purchasing from the Indians is not practised at all in Virginia and Maryland, the Planters there sitting down by virtue of the Governor's warrant only, without leave of the natives. The Proprietors acknowledge that the late King James, who, when Duke of York, was the first grantee of this Province from King Charles II., and the Lord Berkley, Sir George Carteret and the present Proprietors claiming under him, have for the reasons above mentioned generally, by themselves, or by licensing the Planters to doe so, purchased the soyle from the Indians, and afterward confirmed the same lands to the Planters by patents from the Proprietors under small quit-rents. This was the method of granting lands within this Province from the first planting it, and the grantees usually paid their rents; till some of the Planters broached and advanced an opinion, *That the King's right to the American countrys discover'd by English subjects was only notional and arbitrary, and that the Indian natives are the absolute independent owners and have the sole disposall of them.* In consequence of which opinion, some of the Petitioners, who, after their purchase from the Indians, took patents of the same lands from the Proprietors for the time being, now refuse to pay their quit-rents, and others of them, who have lately made purchases from the Indians, refuse to take patents from the Proprietors. If this notion receive encouragement and prevail, the Proprietors are advised that all pretences of the Crown to, and their grants of the American Colonys, have been wholly illusory and royal frauds, and the Petitioners may, and in all probability will, deny His Majesty's right to the Government as well as to the soyle of those countrys.

The several articles of petitioners' complaint are pregnant of such a design. (1) Col. Richard Nichols was in 1664 Governor of this Province under the then Duke of York. He had no power by his Commission to grant lands, and, if he had, such power was determined above five months before he made any grant to the

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Petitioners (Dec. 1664), the Duke of York having in the month of June preceding granted this Province to the Lord Berkley and Sir George Carteret, and ye licences granted to the Petitioners by Col. Nichols then and by the Proprietors since, were expressly under a condition to hold the lands, so purchased, of the Proprietors by patent, and a certain rent. And all claiming under the licence of Col. Nicholls actually took patents of the same lands at certain rents, as by the records thereof appears, which Petitioners have artfully forborn to mention. The Proprietors might have avoided those patents granted by Col. Nicholls for his want of authority; yet they confirmed those crazy titles, and never molested the Petitioners in their possession till, they refusing to pay their quit-rents, they distrained upon some of them who had patents, and brought an ejectment against one Jones, who had noe patent, nor would take any, in which action the jury, being all Planters, gave a general verdict against the Proprietors, contrary to ye direction of the Court, and the consent of the Council on both sides, who had agreed upon a speciall verdict. (2) This, like the last, is a general accusation, but to obviate any particular instance that may be hereafter partially represented to your Lordships, the Proprietors acquaint you that when they grant a licence to purchase lands of the Indians, they usually oblige the grantee to purchase a certain tract agreed upon, and to allow the purchaser a certain portion of it to his own use, and take the rest of it to the use of the Proprietors. This was done in the case of one John Royce, a great asserter of the Indians' sole right, who now refuses to pay his quit-rent for the lands patented to him, and under his Indian title claims all the lands (20,000 acres) he bought of the Indians, though so great a part of it (14,000) was bought for the Proprietors, whilst he was to pay 5*l.* rent yearly for 6,000 acres of it. (3) This article is particular, but notoriously false, for King James having some months before the late happy Revolution seiz'd the Government of this and the neighbouring Provinces, and put them all under the command of Sir Edmond Andros, the Proprietors durst not exercise any Government over East Jersey, and, Sir Edmond being upon the first news of the Revolution, imprison'd at Boston, all those American Colonys were in great confusion for some time, but when the Government of England was settled, and the Proprietors restored to their former right, they first appointed John Tatham and afterwards Col. Dudley (now Dep.-Gov. of the Isle of Wight) to be Governors of this Province, whom the people scrupling to obey, the Proprietors appointed Col. Hamilton to be their Governor, who was accepted by them and administered the Government, civil and military, several years to the general satisfaction, even of the Petitioners. The Proprietors insist they ought not to be answerable for the vacancy of Government caused by King James his seizure of it, or by the people's refusal to obey Mr. Tatham and Mr. Dudley. And if this could be imputed to them, the Petitioners had shown more duty to the King and less malice to the Proprietors, if they had not deferred their complaint for seven years. A Militia has been long established in the

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Province, and muster'd and exercised four times every year, and, by a standing law, every inhabitant is obliged to provide himself with a gun, well-fixed, sufficient powder and bullet, under penalty of a fine. They confess they have not provided arms or ammunition for this Militia, because ye King himself doth not provide them for the Militia of England or of his own Colony of New York. The Proprietors have sometimes caused lands to be surveyed before they purchased it of the Indians, which is no damage to the Indians, but they never pretended to settle any lands till after the purchase of it from the Indians, nor did the Indians of their own accord make any complaint, but have been influenced to do so by the Petitioners. (4) The Proprietors acknowledge that Col. Hamilton, a native of Scotland, being Governor of East New Jersey, when the Act for preventing frauds and regulating abuses in the Plantation Trade was made, they were by some expressions in that Act misled into a belief that a Scotchman was disabled to execute the office of Governor, and therefore, to avoid committing any offence against that Act, did constitute Jeremiah Basse Governor of this Province, who being presented to, and as he informed them, approved of by His Majesty, the Proprietors in confidence thereof wrote such account of it to the inhabitants as is suggested by this article. But Mr. Basse having no instrument in writing expressing the King's approbation was opposed in his administration by many of the inhabitants, and amongst others by some of the now Petitioners, and Col. Hamilton came over to England about his own private affairs, after whose arrival the Proprietors, having the opinion of H.M. Attorney and Solicitor General that Scotchmen were not disabled to execute the office of Governor, and receiving an addresse from great numbers of the inhabitants, representing the abilities and acceptablenesse of Col. Hamilton in that station, which Mr. Basse had left, and returned to England, and praying Col. Hamilton might be restored, they constituted him Governor by a new Commission, and endeavoured to obtain an approbation of him by the King, but His Majesty having a little before that time, by advice of your Lordships, directed a trial at law for deciding the right of Government, your Lordships scrupled to admit a positive approbation of him, because it might seem an owning of the Proprietors' title then in question, yet were pleased to declare that you did not intend it as an inhibition to the Proprietors from exercising ye Government till the right was determined (being very sensible that the country could not subsist in peace without it) and that Col. Hamilton governing according to the Laws of England, the Proprietors would be safe in commissionating him, and he in acting under their Commission. This was communicated by Col. Hamilton at his arrival there to the inhabitants, who were generally inclined to obey him, but the Petitioners entertaining a belief that if the Government be evicted or taken from the Proprietors, then interest in the soil and quit-rents, which are their civil and personal rights, must fall with it, laid hold of this want of the King's actual approbation of Col. Hamilton, opposed

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him with arms, and now arraign the Proprietors for neglecting to provide for the Government, which themselves have rejected. The latter part of this article has been cleared by the opinion of the Attorney and Solicitor General. The Secretary and Attorney General of this Province and the Clerk of the Supreme Court, mentioned by Petitioners, have been many years inhabitants there, and though they are Scotchmen by nation, are Englishmen by their interest, having embarked their whole estates in the prosperity of this colony. The Proprietors, hoping they have fully answered the Remonstrance, now crave leave to acquaint your Lordships, that they and the Proprietors of West New Jersey had, before this complaint arrived, unanimously agreed to surrender the Government of both Provinces to His Majesty under such terms and conditions as they are advised are proper, and this Remonstrance now makes necessary, for the preservation of their civil rights, which proposalls they are ready to deliver to your Lordships and doubt not your approbation of them. *Signed*, By order and on behalf of the Proprietors of the Province of East New Jersey, Wm. Dockwra, Secr. and Regr. *Endorsed*, Read Dec. 17, 1700. 11 *pp.* [*Board of Trade.* Proprietics, 5. *No.* 77 ; *and* 26. *No.* 367–382.]

Dec. 9. **986**. Journal of Council of Trade and Plantations. Letter from Gov. Grey, Sept. 26, read.

Letters from Governor Sir William Beeston, Oct. 7, read, and the papers therewith transmitted laid before the Board.

Order of Council, Dec. 5, relating to the Acts passed by Col. Fox in the Leeward Islands, read. Directions thereupon given for preparing a letter to Col. Codrington.

Several letters and papers being now received from the Earl of Bellomont, and laid before the Board, ordered that abstracts be made thereof, in order to the considering of the same. [*Board of Trade.* Journal, 13. *pp.* 269–271 ; *and* 97. *No.* 216.]

Dec. 9. **987**. Minutes of Council of Virginia. Ordered that His Majesty's Letter and all papers relating to the French refugees, the Lords' letter relating to the building of a Governor's house, and the settling public debts and the consideration of the Revenue be submitted to the Burgesses. [*Board of Trade.* Virginia, 55. *p.* 46.]

Dec. 9. **988**. Journal of Burgesses of Virginia. The House attended His Excellency in his bed-chamber, who confirmed their choice of Speaker and their ancient privileges, and addressed them. His Excellency delivered to them letters from His Majesty and the Lords relating to the French Protestants, and from the Lords relating to the building of a Governor's house.

It was resolved that noe person may execute both offices of mace-bearer and messenger, and that an address to His Excellency be prepared, thanking him for his favour of the gown and mace and praying him to commissionate such person as he shall think fit to perform the said duties.

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A Committee for Elections and Privileges appointed to consider and report upon the returns of Burgesses. Petitions of the Sheriff of James City County and of George Marrable, Henry Vaughan, John Howard and Tho. Holliday, concerning the election of a Burgess for James City referred to this Committee.

Petition of John Remington, Richard Morris, and John Hix to continue doorkeepers to the House granted; that of William Drew rejected. Anthony Evains admitted to a doorkeeper's place.

Dec. 10. A copy of His Excellency's Speech of yesterday, in which he deplored his own illness and that of Members of Council who were absent, and recommended them to consider whether it was absolutely necessary that this session should be of any long continuance, read. The Governor in his Address further recommended the settling of all claims and public debts, particularly that concerning the trial of pirates, the affairs of the Rangers, Governor's house and French refugees.

John Chyles acquainted the House that His Excellency had commissionated him to be Messenger and Mace-bearer.

Upon the report of the Committee of Elections, the following Burgesses were declared duly elected:

Capt. Joseph Ball and Capt. William Fox, Lancaster County.
Gawin Corbin and Edwin Thacker, Middlesex County.
Major William Tayloe and Col. George Taylor, Richmond County.
Richard Bland and Capt. Joseph Wyn, Charles City County.
Gideon Macon and Capt. Joseph Foster, New Kent County.
Col. William Leigh and Capt. William Gough, King and Queen County.
Thomas Edmundson and John Catlet, Essex County.
Capt. Thomas Cock and Capt. Wm. Farrar, Henrico County.
Capt. Nathan Harrison and Samuel Thompson, Surrey County.
Capt. Henry Applewait and Thomas Giles, Isle Wight County.
George Marrable and Capt. James Bray, James City County.
Daniel Sullevant and Capt. Thomas Milner, Nansemond County.
Thomas Butt and Matthew Godfrey, Norfolk County.
Major John Thorowgood and Capt. Edward Moseley, Princess Ann County.
Capt. William Armistead and Col. William Wilson, Elizabeth City County.
Miles Cary and William Cary, Warwick County.
Thomas Barber and Lt.-Col. Thomas Ballard, York County.
Major Peter Beverley and Mordecai Cook, Gloucester County.
Alexander Spence and James Westcomb, Westmerland County.
Col. George Mason and Capt. William Fitzhugh, Stafford County.
Major Rodham Kenner and Tho. Hobson, Northumberland County.

It was resolved that Richard Fossaker, Sheriff of Stafford County, and Charles Lee, Sherriff of Northumberland County,

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had made imperfect returns upon the writ for the election of Burgesses in those counties, and that they be sent for in custody of the Messenger of the House to amend them.

The return of Thomas Cowles, Sheriff of James City County, upon the writ for election of a Burgess for the College of William and Mary was approved; "Mr. James Blair, President, made answer that, there being as yet but a President and one Master, therefore they did not think it fit to elect a Burgess, that being to be done by the President and Masters of the College."

The Orders of the late House of Burgesses were read, approved and ordered to be continued.

Ordered that the House be called over as often as shall be thought convenient, and that Members who shall be wanting in their duty of attendance be liable to the censure of the House.

Ordered that 15 Members with the Speaker shall be a sufficient number to adjourn.

Mr. Richard Bland, having been sworn, took his place in the House.

Dec. 11. The House was called over and then resolved itself into a Committee to consider His Excellency's Speech.

Resolved that this House is inclinable to proceed upon no matter, but what shall be found absolutely necessary this Session. This resolution was communicated to His Excellency and Council.

George Mason, Burgess for Stafford County, excused attendance through sickness.

Thomas Cowles, Sheriff, made return of a writ for election of a Burgess for James City, as ordered yesterday, and this was referred to the Committee for Elections, which it was decided not to increase.

Ordered that Mr. Speaker forbear to issue warrants concerning Richard Fossaker and Charles Lee, Sheriffs, as ordered yesterday, till further order from the House.

His Excellency sent a message to the House, approving of their resolution not to proceed upon anything but what was absolutely necessary. One of such matters he conceived to be the affair of the French Protestants, and another the settlement of claims, particularly that relating to the pirates, and the Rangers in Stafford County.

Committees for Public Claims, and for Propositions and Grievances were appointed.

Ordered that all propositions, grievances and claims be brought into this House by the 14th at latest or not to be received this session without particular leave of the House. Notices of this resolution and of the place where the Committees are to sit, to be set up at the College door. [*Board of Trade.* Virginia, 54. *pp.* 29–46.]

Dec. 9. **989.** Minutes of Council in Assembly of Virginia. *See preceding abstract.*

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Dec. 10. Address of the Assembly (Dec. 9) presented to His Excellency.

Papers relating to the French refugees referred to the Burgesses.

Petition of Edward Jenings, praying that it may be declared how and by whom the 50lbs. of tobacco to be paid for each commission for the Militia shall be paid, referred to the Burgesses.

Ordered that all papers relating to the trial and apprehending of pirates be with all speed laid before the Burgesses. *And see preceding abstract.*

Dec. 11. *See preceding abstract.* [*Board of Trade.* Virginia, 55. *pp.* 311–316.]

Dec. 11. Whitehall. **990.** Council of Trade and Plantations to Governor Codrington. Whereas Co. Fox, before your arrival in the Leeward Islands, took upon himself the powers of Commander-in-Chief and passed Acts in the Assemblies of those Islands, for which it has been doubted whether he had sufficient authority, His Majesty has been pleased by Order in Council, Dec. 5, to direct us to signify to you that you cause all the Acts of Assembly passed by Col. Fox to be laid before the respective Assemblies, that they may be confirmed or repealed as you and they shall think most conducing to His Majesty's service and the public good of those Islands, which Acts, so confirmed or repealed you are to transmit hither with all convenient speed in order to His Majesty's royal approbation or disallowance. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *P.S.* by William Popple. I am commanded to send you the enclosed copy of H.M. Order in Council, Dec. 5. [*Board of Trade.* Leeward Islands, 46. *pp.* 130, 131.]

Dec. 11. **991.** Journal of Council of Trade and Plantations. Letter to Col. Codrington signed. Secretary ordered to send him a copy of H.M. Order in Council, Dec. 5.

Mr. Bridges and Mr. Holder, Agents of Barbadoes, with several gentlemen concern'd in that Island attending, said that the Act concerning pressing of seamen was made upon occasion of H.M. Order in Council committing the care of pressing seamen in the Plantations for the use of His Majesty's ships of war in those parts to the Governors in Chief of each Plantation respectively, and is drawn with such clauses as were thought proper by the General Assembly for remedying the inconveniences to which merchant ships were subject by having their men prest by the Captains of His Majesty's ships of war. In relation to the Habeas Corpus Act, they said that in Jamaica, His Majesty's subjects enjoyed that benefit by virtue of the Common Law of England, but the same having been oft denied in Barbados, the said Act was there thought necessary. Whereupon these gentlemen were directed to be as particular as they can in all these matters, and to lay the same before their Lordships in writing.

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Dec. 12. Letter to Col. Codrington signed.

Letter from Mr. Gilbert Nelson, of Bermuda, Nov. 4, read.

Dec. 13. The Agents of Barbadoes and others presented a memorial upon the Habeas Corpus Act passed there.

Sir Henry Ashurst presented memorials, in defence of Connecticut's right to the Government of the Narraganset Country, and relating to appeals from Connecticut.

Letters and papers from Lord Bellomont, Oct. 17, 24, 28, were laid before the Board. Their Lordships entered upon consideration of the first. Acts referred to therein ordered to be sent to Mr. Sollicitor General.

Ordered that Mr. Sollicitor General be desired to dispatch his report upon the Acts of Maryland that are in his hands, and more especially upon that for the service of Almighty God, because of the many pressing applications that have been made to their Lordships for their report upon it. [*Board of Trade.* Journal, 13. *pp.* 271–282; *and* 97. *Nos.* 217–219.]

Dec. 12. Boston. **992.** John Usher to the Council of Trade and Plantations. Upon Earle Bellomont's entering on ye Goverment in Province New Hampshire, I gave under my hand a charge against Jno. Hincks, Wm. Vaughan, and Richd. Walderen, of disorders by them comitted when I was concerned in the Goverment; the charge and whole proceedings are lodged in Plantation Office but my Lord's stay being not long, and suppose His Majesty's concerns required his presence in Massachusetts Bay, there was noe examination of the matter. Att same time gave under my hand a charge against Wm. Partridge, Esq., now Lieutenant-Governor, for entering on the Govermt. contrary to Act of Parliament, not being quallified, and in a hostill maner, in disobedience to your Lordships' commands. Did hope said persons would have been made to answer before your Lordships ere this; they look upon there actions allowed of, and say the Govermt. is in there hands for this King's reign. Now they having the Government in their own hands, and those in place being persons ill affected to Kingly Govermtt., loyal persons frowned on, Acts of Trade violated, and the present Lieutenant Governor one that was commissionated with others for surveying woods for timber for His Majesty's service, ye said person hath cutt down the best timber for plancks, *etc.*, shipt the same off to Portugall, might as lawfully sent itt to France, ye timber and planck fitt for ye biggest ship in the world. The Govermt. being thus in there own hands, actt us as they pleas, judgeing they are not accountable for there actions. It's a principle to much entertained in these parts, ye King hath nothing to do, unjust they may not have the Govermt. in their own hands, and act without controule; Acts of Parliament ought not to be laws for Plantations, unless had Representatives in Parliament; if may write plaine, are nott for Kingly, but comonwealth Govermt., which pray *Libera Nos.* This am assured, if persons were ordered to appear to answer for their misdemeanours, it would put a stop to the many insolences and cause abundance of more

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due regard to orders from Whitehall. In ease orders should be sent for examining evidences as to ye charge for disorders committed, which are lodged in Plantation Office under my hand, on least notiee shall make proof thereof. It may be these lines may be too troublesome, however they are writt from a true principle of loyalty. *Signed*, John Usher. *Endorsed*, Recd, Feb. 17, $170\frac{0}{1}$ *Holograph.* 1 *p.* [*Board of Trade.* New England, 11. *No.* 31; *and* 38. *pp.* 381–383.]

Dec. 12. Kensington. **993**. Order of King in Council referring enclosed petition to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 30, 1700. $\frac{3}{4}$ *p.* *Enclosed*,

993. i. Petition of Isaac Hawkins to the King. Barbara Newton, late of Barbados, widow, having sometime before her death brought an aetion of debt there against John Gibbs, late one of the Council of the said Island, on a bond of 30,000*l.* sterl., whereon there was 5,975*l.* then justly due to her. The Court gave a groundless judgment against her, whereupon she brought a writ of error in the Court of Errors, which affirmed that judgment, whereupon she exhibited a Bill in the Court of Chancery there for relief, but the said Court, consisting of the same persons who were Judges on the Writ of Error (four of whom were interested in the eonsequences of the suit) her Bill was by them dismist, whereupon she appealed to your Majesty in Council, and died before the same eame to a hearing. Petitioner, one of her exeeutors, brought the cause to a hearing in Aug., 1695, when the said judgments and deeree were set aside and petitioner left at liberty to begin a new suit. Soon after John Gibbs died and eovered his estate as best he could to keep it from being liable to satisfy petitioner's elaim. Petitioner hath not yet any new suit, being much discouraged, since he must sue in the Chancery of the Island, which Court doth very seldom sit, and eonsists of the Governor and 12 gentlemen who are the Council, and several of the Counеil are interested in the eonsequence of the suit. Represents hardship of Court sitting so seldom and of having eases determined by the major vote of persons who are frequently interested in the causes that come before them. *Copy.* 2 *pp.* [*Board of Trade.* Barbados, 8. *Nos.* 66. 66.i.; *and* 45. *pp.* 192–195.]

Dec. 12. **994**. Attorney General to the Counеil of Trade and Plantations. I have considered of the several Acts (*enumerated*) past at a General Assembly in Barbados, Jan.–March, $\frac{1699}{1700}$, and find nothing therein eontained contrary to law or prejudicial to His Majesty's Royal Prerogative. *Signed*, Tho. Trevor, *Endorsed*, Recd. Dec. 19, 1700, Read Jan. 14, $170\frac{0}{1}$. $1\frac{1}{4}$ *pp.* [*Board of Trade.* Babados, 8. *No.* 70; *and* 45. *pp.* 213, 214.]

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Dec. 12. Whitehall.

995. Council of Trade and Plantations to Governor Codrington. We send you copies of our Representations, Sept. 19, 20, and Oct. 18 upon the Acts of Antegoa, 1696, 1697, 1698, and of Nevis, 1698, 1699, passed by the President and Council of Nevis, and copies of Orders of Council thereupon, Oct. 22, that you may observe their contents and the reasons we have offered for the repeal of some of the Acts. We also send some observations that occurred to us upon reading the said Acts, which are not express't in our Representations, in order that whatever we have noted there as any ways unfit or irregular may for the future be amended. We desire you, as we shall do the Governors of all His Majesty's Plantations, that a memorandum be entered upon the books of the respective Councils of the Leeward Islands, to caution them that whenever the Government of the said Islands by the death, absence or removal of a Governor or Lieutenant-Governor immediately commissioned by His Majesty comes to devolve upon a President and the Council of any of the said Islands, the President and Council do forbear to pass any Acts but such as are immediately necessary for the peace and welfare of the islands, unless they receive His Majesty's express order for their so doing. We have found in the course of our business relating to His Majesty's Plantations that the transmitting of private Acts past in the General Assemblies fastened together under the same seal with those that are of a public concern, has sometimes provided an obstruction to the despatch of the public Acts, and therefore desire you to take care that, whenever such private Acts are passed in the Leeward Islands, they be sent each of them single under distinct seals, and that the parties concerned be informed that it is necessary some person here be instructed to attend His Majesty's Attorney or Solicitor General in the dispatch thereof, and to answer any doubts that may arise thereupon.

Amongst the several accounts that you are directed by His Majesty's Instructions to transmit unto us, we desire you more particularly to take care in sending yearly those of the arms, ammunition and stores remaining in all His Majesty's magazines under your Government. And in the first place, so soon as possible, we desire you to send us an exact account of the state of the forts and fortifications there, with your opinion of what may be further necessary for the defence and security of the same. We have seen the plans and journals of what Mr. Simms has done in those matters, but do not find them of much use. *Signed*, Stamford, Lexington, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. *Annexed*,

995. i. Observations upon the Acts of Antegoa, 1696, 1697, 1698 :—

(*a*) An Act for regulating the towns and harbours and settling markets in this Island, Ap. 22, 1697. The fine of 50*l.* for throwing out ballast contrary to the rules prescribed by this Act is excessive, and ought to be laid upon the master, not the ship.

(*b*) An Act for naturalizing David Sweigle of this Island, Chirurgion, and Martin Frett, inhabitant of

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the same, being aliens born. Feb. 4, 1697. The words of this Act, expressing that the said persons *shall be capable to do all manner of act and acts, thing and things with as great freedom as if they had been born within this Island or any other of His Majesty's Dominions* are too general and by no means fit to be allowed. But whereas the following clause does confine the whole effect of the Act to the Island of Antegoa only, it has been though fit to pass it. However, this ought to be a caution against expressions of too large extent in all future Acts of Naturalisation.

(*c*) An Act appointing the number of Assemblymen and the manner of their election. We desire further to be informed what was the constitution of that Island in relation to their Assemblies before the passing of this Act, and why they desired to change it.

(*d*) An Act for the better Government of Slaves, *etc.* We desire to be informed what effect this Act has had, whilst it was in force. And would also know why Courts of Justice are declined and all the power put into the hands of two Justices of the Peace without making use of juries.

(*e*) An Act for the better regulating the fees of Public Officers. The penalty for any offence in taking fees seems moderate: all crimes of that kind are made equal. The expressions reflecting on the officers of the Customs, unless the crimes had been plainly proved, are not proper to be in an Act. There are many other improprieties of expression in the wording of this Act, as that boats shall give security, boats will observe the Act, etc.: all which, if it were not expired, would have been reasons for repealing it.

(*f*) Act for electing an Agent from time to time for this Island. It seems more proper that one and the same Agent were appointed for all the Leeward Islands. The Acts of Mountserat lie with Mr. Solicitor General for his opinion in point of law, for want of somebody's care to take them out.

(*g*) An Act for reinforcing several Acts. By the Governor's instructions about transmitting Acts, there is a penalty laid upon him for not doing it within the time limited. But the Acts are not therefore void, and for that reason this Act seems to have been needless.

(*h*) An Act for establishing Courts, *etc.* Though it have been thought fit to approve this Act, yet it may be convenient to observe that the fines thereby laid upon Secretaries, Clerks of Courts, Marshal, *etc.*, do seem excessive.

995. ii. Observations upon the Acts of Nevis, 1698 and 1699:

(*a*) Act for Assemblymen to serve when chosen. This Act lays a penalty on such as refuse to serve

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when chosen. Now it being not usual for persons to refuse to serve, though some may neglect to do it, we observe that the penalty ought to have been laid on the neglect and not on the refusal.

(*b*) Act to oblige Masters of Ships to give in security besides the security by Act of Parliament. We further observe that the penalty of 1,000*l.* to be put into the bond is too general and also too high. It ought to be proportioned to the damage.

(*c*) An Act against running away with boats, *etc.* This Act ought to comprehend all Masters of Ships and all other persons as well as slaves and servants.

(*d*) An Act for vessels to pay tonnage, powder, *etc.* The reason of suspending our opinion upon this Act is that we may first be informed by you what was formerly paid in this Island, what is paid in the other Leeward Islands, and whether the other Islands do each of them exempt their own inhabitants from this duty.

General Notes :—There has been a great negligence in wording of these Acts. They are full of many improper and absurd expressions. Some of these Acts are so fastened together that they cannot be read without tearing. They ought to be writ upon large, strong paper, folded in folio, with fair margints on both sides, so that they may be conveniently bound up together and read without trouble. Several of these Acts are placed disorderly, not according to their dates, but confusedly mixed, the first last and the last first. Duplicates of what has been sent in one parcel are in some places mixed with new ones and fastened together under one seal, without any distinction. [*Board of Trade.* Leeward Islands, 46. *pp.* 132–140.]

Dec. 12. **996**. Minutes of Council of New York. Several accounts referred. Payments made to Paroculus Parmyter, Judge Advocate, Barne Cosens, Clerk, Richd. Stokes, Marshall, for their services at the Court Martial.

1*l.* 16*s.* paid to Hendrick van Dyck, for physick and operations of chyrurgery done by him. [*Board of Trade.* New York, 72. *pp.* 394, 395.]

Dec. 12. Boston. **997**. Minutes of Council of the Massachusetts Bay. Account of John Walley, for materials supplied to the Fort at Cascobay, paid.

Ordered that the inhabitants of Dunstable be allowed 12*l.* per annum for two years towards maintaining an orthodox minister amongst them.

Treasurer's account and account of wages due to the soldiers at the Castle referred to a Committee. [*Board of Trade.* Massachusetts Bay, 2. *p.* 23.]

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Dec. 12. **998**. Journal of the House of Burgesses of Virginia. Several public claims received were referred to the Committee of Claims.

Mr. Bartholomew Fowler sworn Clerk of the Committee of Grievances. Upon consideration of the writ for James City, upon which the Sheriff had made a double return, of Benjamin Harrison and Robert Beverley, resolved that Robert Beverley is duly elected a Burgess, and that the Sherif, Thomas Cowles, come into the House and rase his return of Benjamin Harrison, and when he had done this, he was excused his error, "because the circumstances of the Election were such that they created in him a great dilemma."

The House then took into consideration His Excellency's speech. The consideration of the papers concerning the French refugees, together with the Lords' letter about building the Governor's house, was referred to the Committee of Propositions.

Consideration of public claims and debts referred to the Committee of Claims.

A Committee was appointed to receive the Treasurer's accounts.

Several petitions, propositions and grievances referred to the several Committees.

Dec. 13. Several public claims referred to the Committee of Claims. Robert Beverley took the oaths, *etc.*, appointed, as a Burgess.

Several propositions and grievances from the counties referred to the Committee of Grievances. Two, improperly attested, were rejected.

A message from His Excellency was delivered, laying before the House various papers and claims and lists of tithables.

Tully Robinson and Thomas Welburne were sworn and took their places in the House.

Report upon a grievance from Norfolk County referred.

Papers relating to the French Refugees referred to the Committee of Propositions.

Petition of Edmund Jennings referred to His Excellency and Council.

Dec. 14. Several petitions and propositions, referred to the House by His Excellency and Council, were read and referred to the Committee of Propositions and Grievances. Other petitions were read and referred to the Committee of Claims.

Petition of Edmund Jenings of the County of York, and David Bray of the County of James City, executors of Thomas Bray of New Kent, as to some land in Pomunkey Neck, read, and referred to the next session. A motion, to prohibit all persons in possession of the lands mentioned to make any waste thereupon until the said petition was taken into consideration, was negatived.

Petition of several inhabitants of the upper parts of S. Peter's parish in the county of New Kent, for a chapel of ease to be built there, rejected.

Petition of William Holt of Stafford County, for services done for the said county, rejected.

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Report of the Committee of Propositions, upon French Refugees and the Governor's house, referred. [*Board of Trade.* Virginia, 54. *pp.* 46-60.]

Dec. 12. **999.** Minutes of Council in Assembly of Virginia. Ordered that the Clerk prepare several petitions and a list of tithables and untithables and the muster-rolls, to be laid before the Burgesses.

Dec. 13. The papers referred to, together with all the claims and papers belonging to the Pirates and the Rangers, ordered to be laid before the Burgesses, and that the Clerk of the Assembly acquaint the House that the original list of tithables and untithables, and the muster-rolls of each County, is to remain here upon record in the Secretary's office, and two fair copies are to be transmitted for England. *And see preceding abstract.* [*Board of Trade.* Virginia, 55. *pp.* 316, 317.]

Dec. 13. **1000.** Mr. Thurston's memorandum of supplies necessary to be sent for the soldiers at Newfoundland. 1 *p.* *Endorsed*, Recd. Read Jan. 23, 170$\frac{0}{1}$. *Enclosed,*

1000.i.-iii. Detailed estimates of above supplies. 3 *pp.* [*Board of Trade.* Newfoundland, 4. *Nos.* 19, 19.i-iii : *and* (*without estimates*), 25. *p.* 398.]

Dec. 13. **1001.** Sir Henry Ashhurst, Agent for Connecticut, to the Council of Trade and Plantations, asserting the right of the said Colony to the Government of the Narraganset Country. The natives and inhabitants of that country, before they received any particular form of Government from the Crown of England, made their application to the Colony of Conecticott, desiring they would represent to King Charles II. the unanimous consent and desire of ye Narragansetts to be under ye jurisdiction of H.M. Colony of Connecticott (*see* their letter Nov. 18, 1662), and His Majesty accordingly by his Charter, April 23, 1662, granted to the Governor and Company of Conecticott all that part of his Dominions in America bounded on the East by Narragansett River, *alias* Narragansett Bay, where the said River falleth into ye sea, and on the North by ye Massachusetts Plantations, and on ye South by ye sea in Longitude as ye line of ye Massachusetts Colony running from E. to W., that is to say, from Narragansetts Bay on ye E. to ye South Sea on ye West, with the islands thereunto belonging, *etc.* In pursuance of this gracious Charter, the General Assembly of Conecticott did make several orders, 1663 and 1664, and appoint several officers for settling ye Government of ye said Country of Narragansett, on which foundation the inhabitants thought themselves very happily settled, till their quiet was disturbed by the plantation of Rhode Island, who as they alledged had obtained a patent from K. Charles II, 1663, in which the Government of Narragansett was comprehended. The claim of the Rhode Islanders is not justifiable, for (i) They must either affirm that ye bounds of ye Country of Narragansett are not truly described in one

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patent, or that their subsequent patent is a revocation of ours. As to ye first of these, 'tis humbly offered that, in regard of ye distance of ye place, your Lordps. would admit of examinations taken from ancient natives of the Pequitts and Narragansetts' Country, ready to be produced, which agree with the bounds described in our Charter, and, as a further confirmation, the proceedings upon a Commission under ye Royal Signet, April 7, 1683, by which it doth appear that the Commissioners did certifie that the bounds of Narragansett were agreeable to the Charter of Conecticott, and that the Government thereof did of right belong to that Colony. (ii) The subsequent Charter of Rhode Island of any jurisdiction in ye Narragansett's Country is so far from repealing the former Charter granted to us, that 'tis in itself void as to this particular, as would be the case with a similar grant of lands in England. We further beg leave to remind your Lordships of your order May 22, 1695, by which you referred ye matter of law in ye case now in question to Sir Thos. Trevor, Attorney General, who reported that ye Government of Narraganset doth of right belong to Conecticott and not to Rhode Island. If it be further objected that the bounds of Conecticott's jurisdiction was settled between Mr. Winthrop and Mr. Clarke, Agents for Conecticott and Rhode Island, we answer that though it were granted that a collateral agreement between Agents could enlarge or diminish the grant of the King, yet Mr. Winthrop's agency, after having obtained and sent over ye Charter, was fully determined, and this supposed agreement was after that time, and meerly his own act, without any instructions or authority given him from ye Colony of Conecticott. And lastly that yr. Lordships will take such order as shall seem meet that a line be run particularly describing their bounds of jurisdiction to ye Country of Narragansett, according to the limitations of their Charter. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. Dec. 13, 1700. 4 *large pp. Edges torn and rubbed. Enclosed*,

[Hartford, Oct. 15 1699.] 1001. i. Gov. J. Winthrop to the Council of Trade and Plantations. In obedience to His Majesty's command, we have been many times since endeavouring to issue the difference between this Colony and Rhode Island concerning the Government of the Narragansett Country, but have not been able to effect it. This Government hath hereupon given a Commission to Sir Henry Ashhurst as our Agent to lay before His Majesty, or such as he shall appoint, our claim to the Government of the said Country and to receive His Majesty's determination therein. *Signed*, J. Winthrop. *Endorsed*, Recd. Read Dec. 5, 1700. 1*p.*

1001. ii. Copy of Commission from ye Governor and General Assembly of Connecticut constituting Sir Hen. Ashhurst Agent for that Colony, Oct. 15, 1699. *Same endorsement.* 2½ *pp.* [*Board of Trade.* Proprieties, 5. *Nos.* 79, 79. i., ii.; *and* (*first enclosure only*) 26. *p.* 352.]

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Dec. 13. **1002.** Sir Henry Ashhurst to the Council of Trade and Plantations. With reference to the several appeals brought by Major Edward Palmes and John and Nicholas Hallam, by virtue of their Charter the Colony of Conecticott have a full and ample power of hearing, determining and bringing to a final issue all causes arising within that Colony. By that Charter, Charles II. appointed a Governor, Deputy Governor and 12 Assistants, with such other freemen of their body corporate as should by them be elected to be ye General Assembly or Supreme Court of Judicature within the Colony, to erect Inferior Courts and ordain laws, etc. In obedience to ye said Charter, the General Assembly erected several Inferior Courts, and in particular one at New London, for the trial of all matters of right between party and party, and to the end that no person should be without remedy, who might think himself aggrieved by ye proceedings in such Inferior Court, they did further ordain that upon complaint of any person in such a case to ye General Assembly, ye cause should be again heard there and finally determined. This form of justice, as 'tis the most speedy and effectual, and most for ye benefit, if not absolutely necessary to ye subsistence of ye Colony, so we humbly hope your Lordships will allow to be reasonable and lawful and no wayes injurious to ye prerogative Royal of this Realm, though it seems to exclude any appeal, properly so called, to this Kingdom. *Argues that* the distance is great and the advantage of "having justice at our very doors" valuable, that there is no precedent of such an appeal from that Colony since their incorporation. The objection that, if no appeal be allowed from ye General Assembly, this will make them absolutely independent of the Crown of England, is met by saying that if the Assembly became totally corrupt, that would amount to a direct forfeiture of their Charter. *As to Major Palmes' complaint repeats substance of following letter.* As for the other complainants, they have not so much as begun any suit in any of the Courts of ye Colony, but would carry the matter still further to have not only appeals, but even original jurisdiction in England. *Signed*, Hen. Ashhurst. *Endorsed*, Recd. 13, Read Dec. 16, 1700. 3 *large pp. Edge torn. Enclosed*,

Hartford, Oct. 22, 1699. 1002. i. Governor and Company of Connecticut to the Council of Trade and Plantations. The Governor at the first opening of the General Assembly (Oct. 13), after the arrival of your letter (April 24, 1699) communicated it to us. As to the petitions of John and Nicholas Hallam and of Edward Palmes and John Hallam, we could not without great regret observe the abuse done to His Majesty and your Lordships, as well as to us, by their false representations. The last case mentioned in the petition of John and Nicholas Hollam was never in the least moved or agitated in any of His Majesty's Courts within this Colony, and therefore not the least reason for them to pretend any obstruction of justice. And for the case mentioned by Edward Palmes and John Hollam, although they

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brought it to one of His Majesty's Inferior Courts within this Colony, yet they have never offered to make the least complaint to the General Assembly of any obstruction of justice, by any judgement or proceeding of the said Inferior Court, as the Law of the Colony doth expressly provide, that any person whatsoever agrieved by the obstruction of justice may, and since the receipt of your Lordships' letter, the General Assembly did perticularly demand of Edward Palms, that if he had anything to alledge against the said Inferior Court he should produce it, and offered that they would hear it, and grant him such redress as should be just. But he utterly refused. Upon the information we have received about the case, we do not perceive any of the proceedings of the said Court in said case to be prejudiciall to justice, the judgment there given being grounded upon the Law of England, which is no way contrary to the course of the Courts in this Colony, and was moreover expressly consented to by the said Petitioners, as appears by the Record of the Court, who could not therefore rationally make the least objection against the said Judgment. As for any such obstruction of justice as they pretend, nothing is more certain than that all His Majesty's Courts in this Colony have ever been ready to receive and hear any causes, that have been legally brought unto them. Before these Petitioners, we never heard of any that ever made the least objection of this kind, and cannot perceive they had the least reason for their complaints. As for the liberty of appealing from His Majesty's Courts here to His Majesty in Council, we hope that since the complaints occasioning His Majesties declaring his pleasure therein were so groundless, we shall not need to offer any further consideration thereupon. We could not possibly be more happy than to have all such differences as arise among us, and not issuable here, to be heard and determined by His Majesty's great wisdom and justice, did not the remoteness of this Colony render it very prejudicial and almost wholly ruinous to His Majesty's subjects here. We are therefore humbly bold to offer to your Lordships' thoughts His Majesty's most gracious priviledge granted by Charter to this Corporation, for the hearing and issuing any such differences when they should happen among us, a power which, because of the remoteness of this Colony, as is expressly said in the Charter, was thought necessary for the support of the same. *Signed*, by order of the Governor and Company of His Majesty's Colony of Connecticut, Eleazar Kimberly, Secretary. *Endorsed*, Recd. Read Dec. 5, 1700. 2 *pp. Edge torn.* [*Board of Trade.* Proprieties, 5. *Nos.* 78, 78.i. ; *and* 26. *pp.* 353-366.]

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Dec. 13. Whitehall. **1003.** William Popple to Sir Thomas Trevor. The Council of Trade and Plantations very much desire the dispatch of your report upon the Acts of Maryland which are in your hands, and more especially upon that "for the service of Almighty God," because of the many pressing applications that have been made to their Lordships for their report on it. [*Board of Trade.* Maryland, 10. *p.* 11.]

Dec. 13. Whitehall. **1004.** William Popple to Sir John Hawles. I enclose three Acts past by a General Assembly at New York, July 29 last, vizt., an Act for the better securing the Five Nations in their fidelity to His Majesty; an Act for appointing Commissioners to examine the Publick Accounts, and an Act against Jesuits and Popish priests. The Lords Commissioners for Trade have been informed that the first has been repealed in that Province by a later Act, which they have not yet received, so that there does not need any report upon it; but upon the other two they desire your opinion in point of law, with what speed you can. [*Board of Trade.* New York, 55. *pp.* 60, 61.]

Dec. 13. **1005.** Agents of Barbados, etc. to the Council of Trade and Plantations. In reply to your letter of Dec. 6 we offer some few instances of the oppressions and grievances mentioned in the Act of Barbados for securing the liberty of His Majesty's subjects, etc. (1) The Speaker of an Assembly of that Island, legally chosen by the People, was publickly carted and whipped through the streets of the chief town. Several of the Members imprisoned during the pleasure of the then Governor. (2) Samuel Farmer was taken up by order of the Governor coming out of Church and hurried on board ship and sent away prisoner to England, where no crime appeared against him, which so impoverished him, that both he and his son have laboured with the utmost industry and frugality for above 35 years, but their estate is still indebted by that great piece of injustice. (3) Col. Simon Lambert was also clap't up and sent prisoner on board ship, and forced to make a submission, right or wrong. Lieut.-Col. Robert Sandford was hurried away on board ship to one of the Northern Colonies, to his utter ruin, notwithstanding he was willing to be tried. (4) Of later times, John Smith was committed to prison for a supposed crime or misdemeanour to one of the Council here, where he was detained and denied bail till he was forced to a submission, and almost ruined by the delay. (5) Capt. John Price, commander of a merchant ship, for trading as an interloper, (then so phrased) was detained in the Island contrary to the Laws thereof, being denied his ticket after having put up his name publickly, nor was this even granted him when security was offered by some of the considerablest inhabitants, unless he would give bond to the Company's Agents never to trade to Guinea again.

As to the inhabitants of Barbados not enjoying the same liberties as those of other Plantations, the inhabitants of Jamaica have Courts of Grand Sessions and Gaol Delivery frequently held,

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and the benefit of the writ of *Habeas Corpus*, and when it has been denied, as formerly it was once or twice, the parties grieved brought their actions against the Judges, that refused to admit them to bail, and had satisfaction, but this hath been refused to the inhabitants of Barbados. Many more instances of the subjects' oppressions could be shown by the Records of Barbados, if your Lordships will insist on their transmission, and that thereby many people have been known to leave the Island. Good Laws are made to correct evil practices, and the people had complained for many years to their Representatives that they were highly injured for want of this law. Therefore it was that the Government thought they were obliged to enact it, for down to the day of passing it, bail has been refus'd, where by law it ought to have been granted, and General Sessions were seldom held in two and sometimes in three years. The great expense of holding such Sessions and the uncertainty of that expense, together with the grievance of taking, upon many occasions, immoderate bail, further influenced the Legislators. We humbly submit whether in England, Jamaica or elsewhere this law has had any evil consequences, nor can it have any worse effect in Barbados than that it will take away the power of men in authority from oppressing those that are subjects as well as themselves, for ever since the passing thereof, which is above three years, the Grand Sessions have been duly held, and the people have enjoyed their liberty, and have been easie, and no other evil has succeeded. If they should fail in this law, they will conclude themselves under the greatest uncertainties imaginable as to making of Laws for the good of the people. *Signed*, Mel. Holder, Tho. Maxwell, Wm. Cleland, Wm. Allamby, Will. Wheeler. *Endorsed*, Recd. Dec. 1700, Read Jan. 29, 170$\frac{0}{1}$. 3$\frac{1}{2}$ *large pp.* [*Board of Trade.* Barbados, 8. *No.* 77; *and* 45. *pp.* 241-251.]

Dec. 13. **1006**. Certificate of William Popple as to the dispatch and receipt of various seals "made and delivered by Hen. Harris for their Majesties' service in the West Indies." (1) A Seal for Maryland, engraven on the one side with the King's Arms, etc., and on the other their Majesties' Royal Cypher crown'd, and this inscription round the circumference "Sigillum Provinciæ de Maryland in America". (2) A Seal for the Massachusetts Bay, with the King's Arms, Crown and Garter, and these inscriptions round the same Sig. Reg. Provinciæ de Massachusetts Bay in Nova Anglia in America, and Guglielmus 3 et Maria 2 D. G. M. Br. Fr. et Hi. Rex et Reg. etc. (3) A seal for New Hampshire, with the King's Arms, Garter, Supporters, Motto and Crown, with this inscription round the same, Sig. Provinciæ Nostræ de Nova Hamptonia in America. (4) A Seal for the Bermuda Islands, with the King's Arms, *as preceding*, and inscription round the same, Sigil. Insular. Nostrar. de Bermud. in America. (5) A Seal for Virginia, with the King's Arms, Garter, and Crown, with inscription round the same, En dat Virginia Quintum.

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I certify that these seals appear by the books in my custody to have been transmitted with warrants for their use to their respective Governments, and that there are now in my custody many public papers received from thence to which impressions thereof are affixed. *Signed*, W. P. *Endorsed*, Dec. 13, 1700. 2 *pp.* [*Board of Trade.* Plantations General, 5. *No.* 81.]

Dec. 13. Williamsburgh in Virginia.

1007. James Blair to Mr. Popple. Our Governor, being confined to his bed by sickness, has desired me to signify to you something of our present circumstances, and to acquaint you that about the beginning of September last he set out for New York, but was taken very ill on his journey, and all the while he was there was necessitated to keep for the most part his chamber and his bed. He returned hither about the end of October, and before he was well recovered (Mr. Auditor Byrd being sick), he took a journey to his house to hold a Council for settling the Revenue, and immediately upon this he made another journey to Kikotan, to give some orders about the *Shoram* man-of-war, which was just then come from the careen, and had a great many of her men very sick, which with some other defects was the cause that she was not judged fit to ride out in the Bay, where her services was most wanted. These two journeys being undertaken before his health and strength would well permit were favoured with a dangerous relapse, from which His Excellency is not yet recovered, though there is great appearance of his amendment. The General Assembly is at present met, but by reason of the shortness of the days and severity of the weather seem resolved to make but a short session, to despatch what is most pressing and necessary. There are two or three ships of the London fleet arrived, and we are in dayly expectation of the rest. The country enjoys at present great peace and quietness, but we have had a very sickly summer and fall for fevers, agues and choughs, which are not yet at an end. *Signed*, James Blair. P.S. The Governor would have ordered Mr. Secretary Warmley to write a more particular account of these things, but he has never yet been present at Council since His Excellency came to the Government, of which perhaps His Excellency will give the Lords an account, when he is in a condition to write. *Endorsed*, Recd. Feb. 24, Read April 1, $170\frac{0}{1}$. *Holograph.* 2 *pp. Enclosed,*

1007. i. Abstract of preceding. 1 *p.* [*Board of Trade.* Virginia, 9. *Nos.* 4, 4.i.; *and* 38. *pp.* 74-76.]

Dec. 13. **1008.** Minutes of Council of Virginia. Upon reading Capt. Passenger's letter, he was summoned to attend the Council. [*Board of Trade.* Virginia, 55. *p.* 46.]

Dec. 16. **1009.** Minutes of Council of Virginia. Letter from the Council of Trade, Aug. 1, read and referred to a fuller Council. [*Board of Trade.* Virginia, 55. *p.* 47.]

Dec. 16. **1010.** Journal of House of Burgesses of Virginia. John Catlet, William Waters, and John Powell, having taken the oaths, etc., appointed, took their places in the House. Several

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petitions referred to this House by His Excellency's Council, were referred to the Committee of Public Claims. His Excellency, having summoned the Burgesses to attend him in the General Court House, addressed them and gave them a letter from the Council of Trade. He thanked God that he could in that place return them hearty thanks for their kind and obliging address of the 9th inst. He hoped that they had now received all the public claims and would, with all convenient expedition, despatch such as were of absolute necessity. He had endeavoured to put the Country to as little charge as possible, but it had pleased God that some occasions and accidents had happened so that there was an absolute necessity of doing things which have brought a public charge upon the country, particularly that of the Pyrates, which he earnestly recommended to them to be paid. Whatever money they should think proper to raise and appropriate to any use, should be so and no otherwise disposed of by him.

Resolved to consider His Excellency's speech to-morrow.

Dec. 17. Resolved that Tully Robinson and Capt. Tho. Welburne were duly elected burgesses for Accomack County, and Major William Waters and John Powell for Northampton County. Leave granted, on petition of Mr. Waters, to bring in the Public Claims of Northampton, he having explained why they were not presented in the time limited by the House.

Several petitions and propositions were referred to the Committees.

Resolved that a message of thanks be sent to His Excellency for his speech, and that the report of the Committee of Claims be awaited.

Ordered that the Records of the Government be removed from James City in accordance with the petition of Edmund Jenings.

Resolved, that it doth not appear that the French Refugees are under such pressing necessity as to be accounted objects of present charity. Resolved, that a Bill be prepared to constitute those seated on or adjacent to Mannikin Town a parish of themselves, and to exempt such of them as dwell within it from payment of public and county levies for seven years after the end of this Sessions of Assembly.

The House was of opinion that articles 3-9 in the French petition properly lay under His Excellency's consideration. The House agreed that, in regard there are many public debts and other contingent charges to defray, and a Capitol is to be built, the Country at this time is not in a capacity to sustain so great a charge as the building a House for the Government of the Country.

Ordered that the Records of the House be removed from James City to the chamber appointed for the Clerk of the House in the College, and that the concurrence of the Council in the matter of moving the Records be desired.

Bill ordered to be prepared with reference to the French Refugees, *as above*. [*Board of Trade*. Virginia, 54. *pp.* 60-73.]

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Dec. 16. **1011**. Minutes of Council in Assembly of Virginia. The Burgesses attending, His Excellency addressed them. *See preceding abstract.* [*Board of Trade.* Virginia, 55. *pp.* 317-319.]

Dec. 16. **1012**. Journal of Council of Trade and Plantations. Major Ingoldsby applied for leave to stay some while longer in England, and promised to bring a memorial to that purpose in writing. It being suggested to the Board that Mr. Cary had said upon the late Order in Council, concerning Col. Fox's Acts, which expresses only that ye said Acts should be confirmed or repealed by the respective General Assemblies of the Leeward Islands and the Governor in Chief thereof, that he was doubtful least the Councils of the said Islands might not thereby think themselves excluded from intermeddling therein, directions were given for preparing another letter to be writ to Col. Codrington for the removing of that doubt.

Memorial from Sir Henry Ashhurst, relating to appeals from Connecticut, read.

Dec. 17. Ordered that Captain Lilly be desired to attend to-morrow in order to some directions relating to the fortifications of Jamaica.

Memorial from Mr. Bass (No. 1015) read.

Answer of the Proprietors of East New Jersey [Dec. 9] read.

Secretary ordered to write to Mr. Dockwra for the proposals of a surrender of the Government of East and West New Jerseys mentioned in the end of the said answer.

Mr. Brenton laid before their Lordships a memorial in answer to the Connecticut Colonye's claim.

Order of Council, Dec. 5, with the petition and memorial of John and Nicholas Hallam read, and papers laid before the Board.

Sir Henry Ashurst's memorial considered. Directions given to proceeding further therein.

Dec. 18. Letter to Mr. Attorney and Solicitor for their opinion on the above case agreed upon.

Mr. Baker, Solicitor of the Treasury, said he hoped the Commissions for trying of pirates in the West Indies would be ready by Christmas, and desired that a letter be writ to Mr. Lowndes to intimate the sence of the Board as to Duplicates thereof, as likewise to desire what number of those Acts their Lordships think necessary to be sent to the Plantations. Directions given to the Secretary to write accordingly (*No.* 1020). Ordered that a draught of a letter be prepared to the Earl of Tankerville, Lord Privy Seal, and to the Lord Godolphin, First Commissioner of the Treasury to acquaint them that by His Majesty's Commission to this Board their Lordships are by their respective places constituted members thereof. And that the same letter, *mutatis mutandis* be writ from time to time to other great Officers that are constituted members of this Board, upon all future changes.

Lord Bellomont's letter, Oct. 17, considered. Directions given upon several heads in order to representing and writing as that be necessary, after their Lordships have gone through the whole. At present, a letter to Mr. Secretary Vernon ordered, particularly relating to the Forts at Albany and Schenectady.

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Muster-rolls of the Four Companies at New York delivered to Mr. Champante, to be layd by him in the proper office. [*Board of Trade.* Journal, 13. *pp.* 283-291 ; *and* 97. *Nos.* 220-222.]

Dec. 17. Whitehall. **1013.** Council of Trade and Plantations to Governor Codrington. Mr. Cary having suggested to us his apprehension upon the words of His Majesty's Order in Council of Dec. 5 lest the Councils of the respective Islands for want of their being named in the Order should understand themselves to be excluded or at least not sufficiently authorised to act in that matter, we have thought fit thereupon more expressly to signify to you our sense, that tho' the Governor in Chief be so particularly named, which, because the directions are given unto you is very proper, yet by the word Assembly in this case is to be understood the whole Constitution of the Government, viz., Governor, Council and House of Representatives, and whatsoever is done thereupon is accordingly to be transacted in the usual method. This we thought sufficiently intimated by our requiring you, Dec. 11, to transmit those Acts, etc., according to His Majesty's Commission and Instructions to you in that behalf, but however because of Mr. Cary's scruple, we would not omit to add this further explanation. *Signed*, Lexington, Ph. Meadows, Jno. Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* Leeward Islands, 46. *pp.* 141, 142.]

Dec. 17. **1014.** John Hallam and Nicholas Hallam to the Council of Trade and Plantations. *Repeats* Remonstrance of Dec. 5, *and concludes* with an appeal for the hearing of their Appeal without further delay or further notice given to Governor Winthrop, the petitioners having already given him sufficient notice, and he has appointed Sir Henry Ashurst to be his Agent. Nothing in the Connecticut Charter justifies their denying appeal to His Majesty, and the Lords Commissioners are invited to declare the late proceedings of the Governor and Court of Assistants relating to appeals a great contempt and disobedience to His Majesty's order and an incroachment on his prerogative. *Signed*, John Hallam, Nicholas Hallam. *Endorsed*, Recd. Read Dec. 17, 1700. 4 *pp. Enclosed*,

1014. i. Affidavit of Nicholas Hallam of New London, Nov. 22, 1700. Governor John Fitz Winthrop refused plaintiffs' appeal, on the strength of the Charter, and deponent thereupon gave defendants timely and sufficient notice of his intent to appeal to His Majesty. *Signed*, Nicholas Hallam. 1 *p.*

1014. ii. Affidavit of Nicholas Hallam, Dec. 6, 1700. A few days before he came from Connecticut, deponent gave Governor Winthrop and Edward Palms notice of his intention to appeal, and the Governor said he would be ready to answer deponent in England, and Palms said he would be at no charges in defending the Appeal. *Signed*, Nicholas Hallam. 1 *p.*

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1014. iii. Affidavit of Arthur Bunyan, merchant of London, Nov. 28, 1700. Corroborating the refusal of the appeal (i). *Concludes:* He hath heard it frequently and commonly discoursed in that Colony that no appeals would be granted or allowed to His Majesty in Council. *Signed,* Arthur Bunyan. 1 *p.*

1014. iv. Affidavit of William Nicoll of New York as to Nicholas Hallam's demand for an appeal and its refusal (i). *Signed,* W. Nicoll. *Certified by* D. Provoost, Mayor. *Seal of New York,* 1686, *affixed. In all* 1½ *pp.*

1014. v. Copy of notice of appeal, intended by John and Nicholas Hallam, certified to have been read to Governor Winthrop and Major Edward Palmes, New London, July 17 and 18, 1700, together with their replies (ii). *Signed,* Samuell Mason, Assist. 1 *p.*

1014. vi. Affidavit of James Avery and Samuel Avery that a letter from Major Palmes to the Governor and Company of Connecticut was delivered by them to Governor FitzJohn Winthrop at the house of Richard Christopher, in New London, July 24, 1699. Sworn before Lord Bellomont, Boston, Oct. 10, 1699. 1 *p.* [*Board of Trade.* Proprieties, 5. *Nos.* 80, 80.i.-vi.; *and* 26. *pp.* 397-402.]

[? Dec 17.] **1015**. J. Basse to the Council of Trade and Plantations. Requesting a copy of the Answer of the Proprietors of East Jersie to the Remonstrance of the Inhabitants, in order to prove by oath on their behalf the allegations in the said petition, if by them denied, and to make any reasonable objections against the terms of surrender, if inconsistent with the interest of His Majesty or the properties of the inhabitants. *Signed,* J Basse. *Endorsed,* Recd. Read Dec. 17, 1700. ¾ *p.* [*Board of Trade.* Proprieties, 5. *No.* 81.]

Dec. 17. Whitehall. **1016**. William Popple to William Dockwra. The Council of Trade and Plantations desire you to lay before them the proposals relating to the surrender of the Government both of East and West New Jersey, which you mention in your letter (Dec. 9). [*Board of Trade.* Proprieties, 26. *p.* 383.]

Dec. 17. Nigh the Holywill. **1017**. Mr. Dering to [? William Popple]. On the 14th inst. I was cast away. The only things I could save was my life and your Honour's packett. With submission I ask your Honour's pardon. *Signed,* Unfry [? = Humphrey. *or* Unfere *or* Walter] Dering. 1 *p.* [*America and West Indies.* New York, 580. *No.* 53.]

Dec. 17. **1018**. Jahleel Brenton to the Council of Trade and Plantations. Case of the Colony of Rhode Island and Providence Plantations. In 1630, or thereabout, diverse of His Majesty's subjects purchased considerable tracts of land of ye Narragansett Indians, who were then a very formidable and numerous people. In

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1643, the Governor in Chief of America and Assistants, appointed by Parliament in that year, granted to the inhabitants of Providence, Portsmouth and Newport a Charter of Civil Incorporation to govern the tract of land bounded N.E. on the Massachusetts, E. and S.E. on Plymouth, S. on the Ocean, W. unto the Pequed River. In 1660 the Proprietors and Inhabitants of Rhoad Island and Providence and other Proprietors and Inhabitants of the Narragansett Country appointed Mr. Jno. Clark their Agent in order to obtain from King Charles II. a more ample Charter. About that time also the Proprietors and Inhabitants of Conecticott appointed Mr. Jno. Winthrop their agent to obtain a Charter of Incorporation for that Colony, and in pursuance thereof he having obtained an Order for the same, surreptitiously got it so worded that the Easterly Bounds were uncertain, with design to have a claim to the Government of the Lands of Providence and Warwick and other places in the Narragansett Country, tho' the inhabitants thereof were wholly ignorant of his designs and contrivances, and had appointed an Agent of their owne in order to obtain patent, as aforesaid, for the Lands, which they had justly purchased, and had been many years in the peaceable possession and Government off. Clark so soon as he was advised of Winthrop's designs, humbly petitioned for redress, whereupon the matter was referred to ————, and soon after the said Agents came to an agreement that Pawcatuck River should be the bounds between the said Collonys, and His Majesty was pleased to declare in his Letters Patents to Rhode Island and Providence Plantations that the River Pawcatuck should be construed as the Narragansett River, and the Easterly Bounds of Conecticott Collony. In 1664, the Royal Commissioners (appointed to settle the bounds) declared that the government of Rhoad Island and Providence Plantations ought to continue in the government of the Narragansett Country as far W. as Pawcatuck River. In 1683, Edward Cranfield and other Commissioners made a report, *ex parte*, relating to the Narragansett Country, none of the Government of Rhoad Island, nor the Proprietors of the Narragansett Country, who were inhabitants in that Collony, being present with Mr. Cranfield, when he made his enquiry and report. In 1696 Mr. Attorney General gave his opinion about that country in favour of Connecticott, but this was upon the case as stated by the Agent of Connecticott, which if it had been truly and fairly stated, it is not doubted but he would have given his opinion otherwise. We know not of any Patent granted to the Lord Say and Lord Brooks in 1631 and purchased by Connecticott, as they say, but, when produced, we shall answer their claim by virtue thereof. That the articles of agreement between the two Agents aforesaid have been violated by Rhode Island is a mistake, for the inhabitants of that part of the Narragansett which is about Mr. Smith's Trading House, as is mentioned in those Articles, did choose to be under the Government of Rhoad Island, and the said Mr. Smith was choosen and officiated as a Magistrate in that Government. If any persons, who were Proprietors in the

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Narragansett Country, received any molestation in their possessions, they might have had justice, when they would have demanded it, in any of His Majesty's Courts of Rhoad Island, but I believe they have not received any of those wrongs they mention, but on the contrary the Government of Connecticott have at several times for more than thirty years past sent their people into the Narragansett Country, who, more like Tartars than His Majesty's subjects, have made inroads there, sometimes they have drove away the poor inhabitants' cattle into Connecticott Collony, and there sold and disposed of them, as if it were a booty taken from an enemy; at other times have taken the inhabitants, who they have carried away prisoners into their Colony, where they have fined them at their will and pleasure, and in April last the Government of Connecticot sent several persons into the Narragansett Country, and by force and violence took from thence diverse persons of the Colony of Rhoad Island, and carried them to Connecticot, where that Government kept them prisoners, and inflicted upon them unjust and unreasonable fines, not suffering them to speak in their owne defence. *Signed*, Jahleel Brenton. *Endorsed*, Recd. Dec. 17, 1700. $2\frac{3}{4}$ *pp.* [*Board of Trade.* Proprieties, 5. *No.* 82; *and* 26. *pp.* 384-390.]

Dec. 17. **1019.** Journal of Assembly of Barbados. The twelve members present fined some of the absent members and adjourned for a month. [*Board of Trade.* Barbados, 66. *pp.* 422, 423.]

Dec. 18. Whitehall. **1020.** William Popple to William Lowndes. The Council of Trade and Plantations, being very solicitous for the dispatch of the Commissions that are to be sent to the Plantations for the trial of pirates there, pursuant to the late Act of Parliament for the more *effectual suppression of Piracy*, desire you to move the Lords of the Treasury to give effectual directions to Mr. Baker for the expediting them, together with the duplicates to be sent to Mr. Larkin, with all possible dispatch, and for furnishing them with at least 100 of the aforesaid Acts to be distributed in the Plantations. [*Board of Trade.* Plantations General, 35. *pp.* 360, 361.]

Dec. 18. Whitehall. **1021.** William Popple to the Attorney and Solicitor General. The Council of Trade and Plantations having, in pursuance of His Majesty's Order in Council, March 9, $169\frac{8}{9}$, signified to the Governor and Company of Connecticot, that it is His Majesty's inherent right to receive and determine appeals from all his Colonies in America, and accordingly required them to allow such persons as shall think themselves agrieved by sentences in the Courts of that Colony to appeal to His Majesty in Council, in order to a final hearing and determination thereof; but the said Governor and Company having declined to give obedience thereunto, and insisted upon their right to determine finally all causes in the Courts of the said Colony, without admitting any appeal from thence to His Majesty, their Lordships send you the

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enclosed extract of the Charter of that Colony, in which there being no express reservation made for appeals from thence to His Majesty, they desire your opinion whether, without any such reservation, His Majesty have not always an inherent right to receive and determine appeals from all his Colonies in America as has already been declared, and by what means the said Governor and Company may best be obliged to comply with what has been required from them in this matter. [*Board of Trade.* Proprieties, 26. *pp.* 403, 404.]

Dec. 18. Admiralty Office. **1022.** J. Burchett to William Popple. Lord Bellomont having requested my Lords of the Admiralty that he bee re-imbursed his charges for the parcel of shipp-timber he is sending home, they desire to know whether the Lords Commissioners for Trade gave him any directions for purchasing and sending home the said timber, Mr. Secretary Vernon having acquainted them that he had no commands for doing the same. *Signed*, J. Burchett. *Endorsed*, Recd. Read Dec. 19, 1700. *Addressed.* ¾ *p.* [*Board of Trade.* New York, 11. *No.* 2; *and* 55. *pp.* 61, 62.]

Dec. 18. Whitehall. **1023.** Mr. Secretary Hedges to the Council of Trade and Plantations. The inhabitants of the town of New York having represented that they have at the expense of above 3,000*l.* erected and settled a Church there for performing Divine Service according to the usage of the Church of England, and that they are under apprehensions that the same will be taken from them upon a flaw or pretended one in their Charter, and having prayed that His Majesty would be pleased to grant them His Royal Letter to the Governor there, requiring him not to proceed definitively upon that point, until the whole matter has been first layd before His Majesty in Council here; I have layd the same before the King, and their desire appearing to His Majesty to be very reasonable, he has been pleased to command me to acquaint your Lordships therewith, to the end that, if you have no objection against it, a letter pursuant thereunto may be forthwith prepared for His Majesty's Royal signature. *Signed*, C. Hedges. *Endorsed*, Recd. Read Dec. 19, 1700. 1 *p.* [*Board of Trade.* New York, 11. *No.* 3; *and* 55. *p.* 63.]

Dec. 18. **1024.** Minutes of Council of Virginia. A message from the Burgesses was delivered, recommending that the Records of this Government, which still remaines at James City, be with all convenient expedition removed to the place appointed for keeping the Secretary's Office in His Majesty's Royal College of William and Mary, and that the Records belonging to the House of Burgesses be likewise removed thence and placed in the Chamber appointed for the Clerk of the House of Burgesses in the aforesaid College. The Council concurred, and the Hon. Edmund Jenings, Deputy Secretary, was ordered to cause the same to be done with all convenient speed. It was referred to the consideration of the Council to find one to be Attorney General and some fit person to be Judge of the Admiralty, in place of Edward Hill, decd.

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Upon the letter from the Council of Trade, Aug. 1st, ordered that Mr. Secretary, etc., render an exact account of the method of procedure in the Courts.

Ordered that Mr. Secretary prepare an abstract of his office and of all matters and things that he hath under his charge.

Ordered that the Clerk of the General Court, at each respective General Court, set up at the Court House a list of lands found to escheat to His Majesty since the preceding General Court, that all persons concerned may appear at the next General-Court.

Dec. 19. Ordered that public notice be given again prohibiting the seating land in Pomunkey Neck or upon Blackwater Swamp, until that matter is adjusted by the Courts, and that the Attorney General prosecute those who have so settled without licence since it was forbidden, and that noe person already seated without full and absolute grant make any waste thereupon. [*Board of Trade.* Virginia, 55. *pp.* 47-51.]

Dec. 18. **1025.** Journal of House of Burgesses of Virginia. The House returned thanks to His Excellency for his speech of the 16th, and desired the concurrence of the Council in their resolves touching the removal of the Records of this Government belonging to the Secretary's office. (*And see preceding abstract.*)

Report of the Committee of Grievances ordered to lie upon the table.

Robert Beverley, a Member of this House, complaining that within less than ten days of the beginning of this Sessions a process in law was served at his Plantation in Elizabeth City County by means of Samuel Selden, the said process was declared a breach of the privilege of the House, the proceedings thereupon void, and Selden sent for in custody of the Messenger, to answer the said breach.

Dec. 19. The House was called over and the absence of those that did not appear was excused.

Bill for making the French Refugees at Mannikin a separate parish, etc., read a first time.

Report of the Committee of Claims relating to the charge of the pirates, etc., ordered to lie upon the table.

Report of Committee upon the Grievance from Norfolk County considered. After a long debate, when the Burgesses of the County were allowed to speak as often as they thought necessary, the grievance was rejected.

Upon report of the Committee upon the propositions of several inhabitants of the Countys of Charles City and Isle of Wight, ordered that a Bill be prepared to continue the Act made last Assembly, prohibiting the exportation of Indian Corn, a year longer in force than is provided by the said Act.

The House agreed to the report of the Committee upon the Grievance of several inhabitants of James City and New Kent Countys, deciding that the Laws already made sufficiently provide for the apprehension and punishment of outlying negroes.

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The House agreed to the report of the Committee upon the Grievance of several inhabitants of New Kent and Henrico Countys, praying that a Bridge be built over Chickahominy Swamp, convenient to both Countys, and that the Law relating to the making of bridges be amended, and ordered that it be referred to the consideration of the next Session of Assembly. Similar order upon the Grievance of several inhabitants of Charles City County on the South side James River, praying that they may be permitted to build a Court House on the South Side, and that the County may not be divided.

The House agreed to the report of the Committee, upon the Grievances from Middlesex County and Henrico County praying that there be no Circular Judges, that they are not sensible of any such jurisdiction intended to be established, and therefore ordered that the Grievance be rejected.

Ordered that the Grievance from Middlesex County, praying that the Law for the imposition of 4*d.* per gallon upon liquors be repealed, rejected.

Grievances from Accomack County relating to surveyors marking trees, and for the appointing some way for the trial of criminals, rejected, the existing Laws being held sufficient.

The House agreed with the report of the Committee upon several Grievances from Accomack County, that many articles therein are impertinent and frivolous, and the rest already sufficiently provided for.

Petition of Robert Blight, that the Schoolmasters in every Parish may be chosen Clerks, rejected.

Petition of Joshua Broadbent, to keep a Ferry at Tindall's Point, rejected.

Upon the letter of Mr. John Walker to His Excellency, to be admitted to seat and give other encouragement to some of the French Refugees, the House agreed with the Committee's report that the Assembly's consideration is not required, but that Walker, with His Excellency's permission, may extend his charity to the Refugees as he shall think fit.

The House agreed with the report of the Committee that the Propositions and Grievances from Surrey County are matter of great consequence and ought to be redressed. Ordered that they be referred with other Grievances to the next Session of the Assembly.

Grievance from several inhabitants of Henrico County, that no impositions be laid contrary to Charter, rejected, there being none intended to be laid.

Grievance from Northampton County praying that some course may be taken for prevention of mischiefs from unruly horses, etc., rejected.

Report of the Committee of Claims upon the services of the Committee for Revisal of the Laws considered and referred till to-morrow. [*Board of Trade.* Virginia, 54. *pp.* 73-83.]

Dec. 18. **1026**. Minutes of Council in Assembly of Virginia. Several resolves of the Burgesses were presented to His Excellency in Council. *See preceding abstracts.* [*Board of Trade.* Virginia, 55. *pp.* 319, 320.]

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Dec. 19. Whitehall. **1027.** William Popple to Josiah Burchett. The Lords Commissioners for Trade and Plantations did not give the Earle of Bellomont any directions for the purchasing and sending home the parcel of ship-timber that you mention, but his Lordship was willing for His Majesty's service to make this tryal and advance the money, upon assurance given him by the shipwrights at New Yorke, that this is choice good timber and fit for the use of His Majesty's Navy. [*Board of Trade.* New York, 55. *p.* 62.]

Dec. 19. Whitehall. **1028.** Council of Trade and Plantations to Mr. Secretary Vernon. We have lately received from the Earl of Bellomont some important passages relating to the Forts at Albany and Schenectady, which we send you, with the copy of an address from the inhabitants of Albany. Being very sensible it is necessary that some speedy and effectual care be taken for the reparation of those Forts, we shall press the Earle of Bellomont to use his utmost endeavours to perswade the General Assembly of New York to take care of that matter. But having already represented to their Excellencies, the late Lords Justices, Oct. 4, that we did neither conceive the Province of New York to be able singly to bear the charge of erecting and maintaining such Forts as might there be necessary, nor, tho' it were able, that it would be reasonable to expect it should alone provide for the defence of a Frontier, wherein the security of all His Majesty's other Plantations on that Continent is concerned, and having thereupon proposed to their Excellencies what we humbly conceived most expedient for the effecting of that work, we desire you would please to lay this whole matter before His Majesty, together with our foresaid report for such speedy directions thereupon as His Majesty shall think fit. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Mat. Prior. [*Board of Trade.* New York, 55. *pp.* 64, 65; *and* (*rough draft*) 44a. *No.* 56.]

Dec. 19. Whitehall. **1029.** Council of Trade and Plantations to the Rt. Hon. the Earl of Tankerville. We take leave to acquaint you that your Lordship as Lord Privy Seal is one of the Commissioners for Trade and Plantations, and that we shall be glad of your Lordship's assistance at this Board whenever your other affairs will permit. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, John Pollexfen, Abr. Hill, Geo. Stepney, Math. Prior. *Mem.* The like letter was written to the Lord Godolphin, as First Commissioner of the Treasury. [*Board of Trade.* Miscellanies, 11. *p.* 95.]

Dec. 19. Kensington. **1030.** Order of King in Council, referring enclosed petition to the Council of Trade and Plantations for their report. The Lords Commissioners are to write to the Governor of Barbados to direct the Court of Chancery to sit according to ancient usage for the dispatch of business, and preventing the mischief arising to suitors by unnecessary delays. *Signed*, Edward Southwell. *Endorsed*, Recd. Read Dec. 30, 1700. 1 *p.* *Enclosed*,

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1030. i. Petition of Thomas Hodges to the King. Petitioner and many others are great sufferers by the present administration of Justice in Barbados, particularly in the Court of Chancery, which hath done very little business for three years, and by frequent adjournments and delays hundreds of causes remain undecided, several of them being of many years standing. Such Orders as have been hitherto sent for the better administration of justice there, have yet had but little effect. The Governors have sufficient power to cause a better execution of the Laws. Their remisness may proceed either from their unskilfulness in the duties of a Chancellor and Chief Justice, or to the influence of great presents there made to them, which do much exceed their salary. It do's likewise contribute much to the obstruction of justice there, that some persons much indebted, and who have many suits against them, are appointed to sit in the judicatures of that Island. It is become almost vain to seek for the recovery of any legal right in that Island. *Copy.* 1½ *pp.*

1030. ii. The case of Thomas Hodges, showing the losses he has endured through the obstruction of the Court of Chancery. Left a legacy by John Horne of Shalford, Essex, to be paid out of his Plantation in Barbados by his brother Thomas Horne, the delays of the Court of Chancery induced Major Pilgrin, his Attorney in that Island, to make a composition with defendant, against which plaintiff directed Mr. Clutton, the Attorney General, to move, who could not do so, as the Court of Chancery did not sit for 5 months, etc. *Copy.* 3¼ *pp.* [*Board of Trade.* Barbados, 8. *Nos.* 67, 67.i., ii.; *and* 45. *pp.* 196-205.]

Dec. 19. Kensington. **1031**. Order of King in Council, referring enclosed petition to the Council of Trade and Plantations. *Signed*, Edward Southwell. *Endorsed*, Recd. Jan. 10, Read Jan. 14, 170$\frac{0}{1}$. ¾ *p.*
Enclosed,

1031. i. Petition of Robert Chaplin of London, merchant, Guardian of Charles Pye, son and heir of Col. Edward Pye, late of Maryland, who was brother of Walter Pye, late of Jamaica, merchant, who died intestate, and Thomas Ashburne, of Loganye in the Parish of St. Andrews, Jamaica. Petitioners pray to be heard before the Act of the Assembly of Jamaica, to oblige the parishes of St. Katherine and St. Andrew to build a bridge over the Rio Cobra, be approved, in regard the same is prejudicial to their Ferry over the same River. *Copy.* 1¾ *pp.* [*Board of Trade.* Jamaica, 9. *Nos.* 25, 25.i.; *and* 57. *pp.* 117-120.]

Dec. 19. **1032**. Minutes of Council of the Massachusetts Bay. Wait Winthrop, Chairman of the Committee appointed Nov. 18,

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presented the draught of the methods of proceeding in the several Courts prepared by the Committee, which, being read and an addition made, was approved as the accompt to be transmitted to the Lords Justices. [*Board of Trade.* Massachusetts Bay, 2. *p.* 24.]

Dec. 19. **1033.** Journal of Council of Trade and Plantations. Letter from Mr. Burchet, Dec. 18, read. Paragraph of Lord Bellomont's letter, Oct. 17, relating to the *Fortune*, and his letter to the Admiralty therein mentioned, read. Reply to Mr. Burchet agreed upon and sent.

Letter to Mr. Secretary Vernon about the Ports at Albany, etc., signed. Draught of a letter to Lord Bellomont upon the same subject ordered.

Letters to Lord Tankerville and Lord Godolphin signed.

Letter from Mr. Secretary Hedges, Dec. 18, read. Mr. Champante, consulted, declared himself wholly ignorant of the matter referred to. Ordered that Sir Edmund Andross and Mr. Randolph be sent for, to enquire of them about it.

Secretary ordered to write to Mr. Attorney General as No. 1035.

Dec. 20. Sir Edmund Andros said that there is an English Church at New York a little out of town, which was built by Col. Fletcher, and that he supposes the ground belonged to the King. Mr. Randolph said also that there is such a Church, but that he knows nothing about the settling or endowment of it. Letter to Mr. Secretary Hedges thereupon agreed upon and signed.

Letter to Lord Bellomont signed and ordered to be sent by way of Maryland.

Letter from Lord Bellomont, Oct. 17, further considered, and directions given for reply. [*Board of Trade.* Journal, 13. *pp.* 291-295; *and* 97. *Nos.* 223, 224.]

Dec. 20. Whitehall. **1034.** Council of Trade and Plantations to the Rt. Hon. Mr. Secretary Hedges. In reply to your letter of the 18th, we have not been informed by the Earle of Bellomont of any intention to the prejudice of the Church, and have no objection why a letter under His Majesty's Royal Signature may not be sent to his Lordship as is proposed. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Geo. Stepney. [*Board of Trade.* New York, 55. *pp.* 65, 66; *and* (*rough draft*) 44.A. *No.* 57.]

Dec. 20. Whitehall. **1035.** William Popple to Sir John Trevor. The Lords Commissioners for Trade and Plantations considering that it is a matter of the highest consequence to His Majesty's service in the Plantations that the Governors of Proprieties there be qualified by His Majesty's approbation of them, according to the Act for Preventing Frauds, etc.; and that none of them (except one for ye Bahama Islands) are so qualified, desire to know whether you have reported to His Majesty your opinion *how the Proprietors in His Majesty's Plantations may be more effectually obliged to present the names of the respective Governors appointed by them*

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for His Majesty's allowance or disallowance, pursuant to ye said Act, according as is directed by His Majesty's Order in Council, Nov. 9, 1699. [*Board of Trade.* Proprieties, 26. *p.* 405.]

Dec. 20. Boston. **1036.** Lt. Gov. Wm. Stoughton to the Council of Trade and Plantations. In obedience to the order of the Lords Justices in Council, July 18, I transmit an account of the method of proceedings in the several Courts, and hope it will answer His Majesty's and your Lordships' expectations. I crave leave further to observe to your Lordships the present r[*epose*] and quiet of this Province after the late alarm of trou[*bles*] threatened from the Indians, and how necessary it is in order to the continuanc[*e*] of this quiet that the French Priests and Missionaries be removed from their residence among them, the Indians taking measures from their evil counsels and suggestions, and are bigotted in their zeal to their pernicious and damnable principles. But the removal of those Incendiaries is rendered difficult whilst the claims and pretensions to the boundaries of territory and dominion betwixt the English and French are depending undetermined, or at least the determination not known in the Plantations. This Government have lately erected a Trading House with a fortification, and setled a garrison at Casco Bay, for accommodating of Trade with the Indians, and, by kind usage and treatment of them therein, hope to oblige them, and to divert their conversation and commerce with the French, and have likewise made provision for Trade with them at Saco Fort and other places, and, by means of their drawing thither, to gain the advantage for instructing of them in the true Christian Religion, to which end two English Ministers are sent to reside in the Eastern parts, one at the Fort at Saco and the other at Casco Fort. I am also credibly informed that the French in Nova Scotia have slighted their fortification at the River St. John's, and are removed to Port Royal, where they are fortifying and setling a strong garrison, having artillery and soldiers sent from France this year for that purpose, and are likewise about to settle a garrison at the River St. Georges ; and possibly think to make encroachments further westward into His Majesty's territory, even as far as the River of Kennebeck, whereto they have lately made pretensions, tho' altogether groundless, and without any shew of reason or justice ; however hereby they will strengthen and confirm the Indians in their interests and have the command over them, and annoy our Fishery, unless a stop be put thereto by an adjustment and settlement of the boundarys. *Signed*, Wm. Stoughton. *Endorsed*, Recd. Feb. 19, Read April 1, $170\frac{9}{1}$. $1\frac{3}{4}$ *pp. Enclosed*,

1036. i. Abstract of preceding. 1 *p.*

1036. ii. An account of the method of proceedings in the several Courts of Justice in the Massachusetts Bay. *Signed*, Isa. Addington. Dec. 19, 1700. $5\frac{1}{4}$ *pp. Endorsed*, Recd. Feb. 19, $170\frac{9}{1}$. [*Board of Trade.* New England, 11. *Nos.* 32, 32.i., ii.; *and* (*without enclosures*) 38. *pp.* 388–391.]

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Dec. 20. Whitehall. **1037**. Council of Trade and Plantations to Governor the Earl of Bellomont. We have very lately received your Lordship's letters of Oct. 17, 24 and 28, and have them now under consideration, and will make what dispatch we can. Meanwhile, having considered what you write as to the Forts at Albany and Schenectady, and more particularly the Address of the inhabitants of Albany, we think that matter of so great importance that we would not make any delay to acquaint you that we entirely agree with the sense of the said Address and with whatever your Lordship has writ about the necessity of repairing those Forts. The orders that were sent you for building a Fort in the Onondage Country were in pursuance of your own advices upon occasion of the alarm of the General Insurrection of Indians, which worke we also thought very necessary, but those orders were never intended to hinder or interfere with the repairing of Albany and Schenectady at the same time, which we think so absolutely needfull, that unless those two nearest Forts be kept up in a sufficient state of defence, the building of a fort in so remote a part as the Onondage Country will, in case of war, by it's falling into the enemies hands without our having any other place of retreat and security for our Indians, be of much worse consequence that if there were no such fort. We earnestly entreat you therefore to use your utmost endeavours, that the Assembly of New York do speedily apply themselves to provide for the repairing of those Forts, towards which you seemed by your letter of Feb. 28 to hope they might be disposed to furnish materials, and tho' the hopes you there express of improving the Revenue so as to answer the rest of that charge be built upon the expectation of having a good Judge and Attorney General sent from hence to your assistance, which is not yet done, we desire your Lordship[s] however to press the Assembly therein by all the arguments and means that you judge most likely to be efficacious. If they cannot be disposed to be at the charge of building those forts of stone, they may do it of sodd. If they cannot provide for the whole charge all at once, they may make a beginning with what is most necessary. It is of the greatest importance that the work be done, and therefore the utmost endeavours must be used in it. And we further desire your Lordship, either by writing or speaking to the Governors of His Majesty's other Plantations in your neighbourhood to endeavour to dispose them as much as possible to influence the Councils and Assemblies in their respective Governments to a contribution towards so necessary a worke. *Signed*, Stamford, Ph. Meadows, Wm. Blathwayt, Jno. Pollexfen, Geo. Stepney. [*Board of Trade.* New York, 55. *pp.* 66-69; *and* (*rough draft*) 44.A. *No.* 58.]

Dec. 20. **1038**. Minutes of Council of Virginia. Capt. Passenger attending, upon consideration of his letters of Nov. 19 and 30, wherein he sets forth that by reason of the sudden and frequent storms in the winter season and dangerous shoals and sands in the Bay, and the hard and excessive frost, he cannot nor dare he adventure to hazard H.M.S. *Shorham* by cruzing in the Bay the

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winter season, the Council were of opinion that it is most for H.M. service in discovering illegal traders and the Country's security in detecting and beating off Pyrates, that he cruize in the Bay at all fair and seasonable opportunities, but it is left to his care and conduct. Ordered that a good substantial sloop and good sailer be bought, Capt. Passenger to value her and fit her out in what he can out of the King's Store, and with her to cruze upon all occasions in the Bay according to the proposals in his letter. His former warrant for impressing men was deemed sufficient.

Upon reading an Order of Council, James City, April 24, 1689, concerning the bounds betwixt Surry and Charles City County, ordered that the Courts of each the aforesaid Counties appoint what number of gentlemen they think fit to dispute the matter before the next General Court.

Petition of Samuel Parrice and Geoffrey Dyer, for the remission of their fines for non-appearance as jurors, after having been upon an inquest in the case of Elizabeth Day, suspected of being murdered by Tho' Day her husband, granted.

Mr. Benjamin Harrison by petition showing that there is great difficulty in framing an account of the tryal of all causes in the several Courts, ordered that at all times he have free access to and copies of all papers and records in any Office for the better performing that service.

Dec. 21. Instructions for Cap. Passenger, as above, signed and delivered to him. His letter of 21st inst referred to the Burgesses. [*Board of Trade.* Virginia, 55. *pp.* 51–57.]

Dec 20. **1039.** Journal of the House of Burgesses of Virginia. Bill concerning the French Refugees read a second time and it's title chosen. Read a third time, passed and sent up. Committee to examine the Treasurer's Excise accounts appointed. The House was called over. The House resolved itself into a Committee to consider the report of the Committee of Public Claims relating to the charge of the pirates. It was resolved (1) that the several charges relating to the pirates be paid, (2) that the charge relating to the pirates is not a country charge. Bill for continuing the Act prohibiting the exportation of Indian Corn read the first time, second time and third time, and passed and sent up. Allowances made (in detail) for the reward of the Committee for Revisall of the Laws out of money arising from the Excise.

Dec. 21. The House was called over. Resolved that an Address be prepared to signify to His Excellency the several resolutions of the House upon consideration of his Speech at the opening of this Session, and that a clause of acknowledgement to His Excellency be inserted, for his eminent service done this country in taking the pyrates. The Committee for Publick Claims sent in an additional report on the charges relating to pirates.

Allowances granted (in detail, according to attendance), to members of the Committee for Revisal of the Laws. Ordered that the services of the Assistants to the Revisors be further considered. In response to the desire of the Council, a Conference of the two

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Houses upon the Bill for making the French Refugees at Mannikin Town a separate Parish, etc., was held. The House refused to give any relief to the Refugees.

The Bill for continuing the Act prohibiting the Exportation of Indian corn was sent down, assented to by the Council, together with a letter from Capt. Passenger, which was referred till Monday. [*Board of Trade.* Virginia, 54. *pp.* 84–94.]

Dec. 21. **1040.** Minutes of Council in Assembly of Virginia. The Council desired the Burgesses to hold a free Conference with them upon the Bill concerning the French Refugees. Committee appointed to manage the Conference upon the subject, that the Refugees have hitherto subsisted upon the charity of the people in those parts, and without some continuation of such charitable act, are not likely to subsist, and without that, ye Bill now prepared can be of small advantage.

Bill prohibiting the exportation of Indian Corn was read three times and passed.

And see preceding abstracts. [Board of Trade. Virginia, 55. *pp.* 320–322.]

Dec. 22. Admiralty Office, Sunday Afternoon. **1041.** J. Burchett to Mr. Popple. There being on board H.M.S. *Dolphin* one Bolton, who is sent from Jamaica upon account of some transactions between him and Capt. Kidd, now in Newgate for piracy, and my Lords of the Admiralty being informed that His Majesty was moved by the Lords of the Council of Trade to send for the said Bolton, they desire to know upon what grounds or information the Lords of the Council of Trade prepared the draught of the letter laid before His Majesty for sending him home, and if I can have your answer to-morrow morning, I shall then have opportunity of communicating it to the Board. *Signed*, J. Burchett. *Endorsed*, Recd. Dec. 23, 1700. 1 *p.* [*Board of Trade.* New England, 11. *No.* 33; *and* 38. *p.* 337.]

Dec. 22. **1042.** Memorandum of preceding. ¼ *p.* [*Board of Trade.* Leeward Islands, 7. *No.* 10.]

Dec. 23. Whitehall. **1043.** William Popple to Josia Burchett. In answer to preceding refers to correspondence abstracted in this and previous volumes. "I do not find that any letter or instruction was ever prepared by this Board for the sending home of Bolton by name, or in any manner more particularly than any other pirates, nor have their Lordships any account of Sir William Beeston's sending him." [*Board of Trade.* New England, 38. *pp.* 338–340.]

Dec. 23. **1044.** Major Richard Ingoldesby to the Council of Trade and Plantations. Captain of one of the four Companies in New York, the petitioner is anxious to obtain a settlement of the arrears due to him from Col. Fletcher, and as pay, before returning to his command. But the Earl of Ranalagh, P.M.G., not having laid any accounts relating to the Four Companies before the

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Commissioners appointed to examine the debts due to the Army, he has been hitherto altogether remediless. He, and the rest of the officers and soldiers of the Four Companies, are in arrear of their very subsistance from Dec., 1696 to March 25, 1699, and since that time he has received subsistence only from ye 26 of April last. Also the Agent pretends to retain £30 per cent. here to answer to £30 per cent exchange detained by the Government there. No ships will be going hence to New York for two months, and petitioner therefore hopes their Lordships will press the Earl of Ranalagh to lay before the said Commissioners the Accounts of the Four Companies, and will represent to His Majesty the hardship the Four Companies lie under by the deduction of the 30 per cent, amounting with what is deducted for Agency, Poundage and Hospital, to near 40 per cent, and that their Lordships will take care that the new arrear of their whole pay from Dec. 25 to April 26 last may be provided for, *etc.* *Signed*, Richard Ingoldesby. *Endorsed*, Recd. Read Dec. 23, 1700. 2 *pp.* [*Board of Trade.* New York, 11. *No.* 4; *and* 55. *pp.* 69–71.]

Dec. 23. London. **1045**. Micajah Perrys to Wm. Popple. I have this day sent away the last; sent the No. 1 *per Nassau* Capt. Ingram, these 2nd. per Capt. Hoare; and if you have any further service, I have a ship that will go about this day scaven-night and shall readyly serve you to either Virginia or Maryland or Pensilvania. *Signed*, Micajah Perrys. *Endorsed*, Dec. 23, 1700. ½ *p.* *Addressed*, To the Honbl. Wm. Popple, Esq., at ye Cock Pitt att Whitte Halle. *Bears circular post mark* (*illegible*) *and triangular stamp of the Penny Post.* [*Colonial Papers*, lxvii. *No.* i.

[? Dec. 23.] **1046**. John Eldridge to the Council of Trade and Plantations. Passenger on the *Nassau* from Madagascar, seized at Newcastle with all his effects, May 29, 1699, on suspicion of piracy, though guiltless, and though often demanding an inventory of his effects, petitioner could only obtain the answer from Col. Quarrey that he had sent an account thereof to England. On May 30 he was sent to the Jerseys a prisoner to Governor Bass, and there remained till April, 1700, whence he was sent to New York, Boston and thence to London. He was committed to the Marshalsea in July, all which time he was only upon suspicion confined and ironed as a criminal. Nothing was ever sworn against him and he was discharged. In order to obtain possession of his effects, prays for copies of Col. Quarry's letters relating to petitioner. *Endorsed*, Recd. Dec. 23, 1700. 2 *pp.* [*Board of Trade.* Proprieties, 5, *No.* 83.]

Dec. 23. **1047**. Journal of Council of Trade and Plantations. Letter from Mr. Burchet, Dec. 22, read. Secretary's reply approved. Upon further consideration of the papers in this Office relating to Bolton, copies ordered to be sent to Mr. Burchet.

Major Ingoldsby's Memorial read. Copy ordered to be sent to Lord Bellomont.

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Ordered that copies of Lord Bellomont's letter, and enclosures, Oct. 17, relating to the ill-condition of the stores sent last June, be sent to the Ordnance Office.

Letter from the Secretary to Mr. Burchet (Dec. 24) agreed upon.

Petition of John Eldridge read (Dec. 23). Ordered that if any account of his goods, transmitted by Col. Quarry, be found, a copy be given him. Ordered that Capt. Bennet be desired to attend on Monday in order to some enquiries into the state of the Fortifications of Bermudas.

Ordered that Rear-Admiral Bembow be also desired to attend then in order to some enquiries relating to the fortifying of Jamaica. [*Board of Trade.* Journal, 13. *pp.* 296–298; *and* 97. *No.* 225.]

Dec. 23. **1048.** Minutes of Council of Virginia. A Brief for the relief and support of the French Refugees at Manikin Town was signed and sealed.

Orders given for the payment of the expenses for sickness and other necessaries for the *Shoreham.*

Corbin Griffen was appointed Naval Officer and Receiver of the Virginia Duties for Rapahannock River, in place of Robert Carter, now member of Council, who took the oaths appointed. Mr. Carter was directed to deliver to him all papers relating to that office. His Excellency and Council taking into consideration the low condition of the French Refugees and that unless they are in some measure relieved by the pious bounty and charity of the inhabitants of this Colony until they can reap the fruits of their own labour by this next crop, they must inevitably perish, ordered that new briefs be drawn and sent to each county to incite and stirr up the people to extend their charity for their relief. [*Board of Trade.* Virginia, 55. *pp.* 57–59.]

Dec. 23. **1049.** Journal of House of Burgesses of Virginia. Capt. Passinger's letter, wherein he desires liberty to import rum for the use of the seamen on board H.M.S. *Shoreham* without paying the imposition of 4d per gallon, was considered. Request refused.

His Excellency summoned the House to attend him, and said that he was informed that the French Refugees had mostly since their arrival been maintained by the charity of the inhabitants in the upper parts of James River and that their necessitys were such that they could not subsist without relief. In order for their relief he had with the advice of His Majesty's Council, issued a Breif, for the releif of the French Protestant Refugees recommended to the General Assembly, in which Breif he had impowered two of the Council to receive the donations, and left a blank for incerting such other persons as the House should think fit; And when the Council should understand the contributions given thereupon they would proceed to the further consideration of the Bill relating to the French Refugees sent by the House. Then the Breif was read at the Table and several Members having made subscriptions thereunto, a message was sent to His

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Excellency and Council that the House was well satisfied of the present necessity of the Refugees, that several members had subscribed to the Breif, and that they did not think it necessary to add more persons to receive the donations. They hoped that for the future benefit of the Refugees the Council would assent to their Bill.

Bill relating to the French Refugees sent down with amendments was amended, and agreed to, and sent up.

Ordered that a message be inserted in the Address to His Excellency empowering him, with the advice of the Council, to continue the Rangers in Stafford County as occasion shall require, and upon any emergency to raise a suitable force for security of the country, to be paid by the publick.

The Book of Reports of the Committee for Publick Claims was read and agreed to, with some additions and amendments, and sent up. Ordered that it be referred to the next Session of Assembly to consider of some method to prevent the inhabitants of Maryland from committing runaway servants out of this Government to prison and there keeping them until the charge amounts to more than the value of the servants.

Samuel Selden, attending to answer his breach of privilege, confessed that on the 2nd or 3rd inst. a declaration in ejectment was delivered at the house of Mr. Robert Beverley, a Member of this House, and was ordered to withdraw.

Dec. 24. The Committee of accounts reported that they found due upon balance of Mr. Treasurer's accounts 1,093*l.* 3*s.* $9\frac{3}{4}d.$ Ordered that Mr. Treasurer be desired to take care that Ralph Wormley and Rich. Lee make oath to their respective accounts, and that he make oath to his Treasurer's account. The Committee having reported that Col. William Wilson in his last account of the imposition upon liquors mentioned $13\frac{1}{2}$ pipes of wine, which was imported and carried out again without payment of duty, the House resolved that the importers of the said wine ought to be prosecuted, and that it is the duty of the Attorney General to take care thereof. Ordered that the Committee's Representation concerning the non-payment of some Fort duties be laid before His Excellency and Council. Ordered that Mr. Treasurer deliver into the House the several Collectors' Accounts given to him, and also the warrants on which he hath paid any money.

The following Address was agreed to and ordered to be presented to His Excellency; —As to the paragraph in your Excellency's Speech made at the opening of this Session relating to the French Refugees, we have resolved that it doth not appear that they are under such pressing necessity as to be accounted objects of present charity, but this House being willing to give all suitable encouragement to their settlement have passed a Bill to make the inhabitants of Mannikin Town and the parts adjacent a distinct parish by themselves, and have also exempted the settled inhabitants of that parish from the payment of publick and county levys for seven years. As to building a Governor's House, we have resolved that this country is not at this time in a capacity to sustain so great a charge, there being many publick debts and other contingent charges to defray and

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the Capitol stil to be built. As to settling and regulating the claims and publick debts, we have considered them as usual,but as to the pyrates, we have resolved that the charge relating to them is not a country charge, but forasmuch as in the taking of them your Excellency was pleased to expose your person to so much danger and that it pleased God to prosper your Excellency's valour and conduct with that success as to make them a means not only of redeeming several shipps and men captives to those pyrates, but in all likelihood of extraordinary service and security to the inhabitants of and the ships trading to this His Majesty's Colony and Dominion, we esteem it a duty incumbent on us to remember those services with a grateful acknowledgment.

As to the last paragraph in your Excellency's Speech we have appointed a Committee to make up and settle the Publick Accounts with Mr. Treasurer. As to the Rangers of Stafford County, we have resolved that they shall be paid. And as it is uncertain what future occasion there may be of continuing them or of raising more for the security of this Dominion, we humbly leave it to your Excellency with the advice of the Honourable Council to continue or raise such soldiers as the emergency shall require till the meeting of the next Session of Assembly, to be then paid by the publick, trusting your Excellency will be pleased to disband them as the prospect of the danger ceases. We heartily congratulate your Excellency's recovery at the conclusion of this Session.

Ordered that Bartholomew Fowler be allowed 2,000 lbs. of tobacco for his attendance at the last meeting of Assembly, with the assent of the Council.

Samuel Selden, having been heard, was discharged from custody of the Messenger, paying his fees.

The House returned thanks to Mr. Speaker for his services.

His Excellency summoned the House to attend him in the General Court House, addressed them and laid several papers before them. He thanked them for their ready compliance in answering the purport of the Breif concerning the Refugees and for their liberal contributions in their relief. "I heartily wish for the reputation of the country you had as readily believed what I said to you concerning the matter of the pyrates. I think myself bound both in duty to His Majesty and also to the great esteem and respect I have unto Assemblies in general, and to all the inhabitants of Virginia, once more earnestly to recommend that affair to your consideration. I hope you have no just occasion to find fault with the management of that affair, and therefore in my opinion the charge ought to be paid or represented by you as an aggrievance. I have given your Speaker a copy of some of the Lords Justices' Instructions to me, together with an abstract of Mr. Auditor Byrd's account of the 2*s.* per hhd. *etc.* together with His Majesty's royal commands to me for the paying Sir Edmund Andross, by which you will find how little there is remaining for paying the contingent charges of the Government. There is also the balance of His Majesty's Revenue of the Quit Rents for the year past, and by one of the Instructions you

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will see that I cannot dispose thereof without His Majesty's particular directions. When I receive your answer to what I have formerly and now speake unto you concerning the pyrates, His Majesty's Council will return you the Book of Claims." The House presented their Address to which His Excellency replied. [*Board of Trade.* Virginia, 54. *pp.* 94-107.]

Dec. 23. **1050**. Minutes of Council in Assembly of Virginia. Bill concerning the French Refugees read second time, amended, read a third time and passed. *And see preceding abstracts.*

Dec. 24. Book of Public Claims etc. read and amended. *And see preceding abstracts.* [*Board of Trade.* Virginia, 55. *pp.* 322–330.]

Dec. 24. Whitehall. **1051**. William Popple to the Principal Officers of His Majesty's Ordnance. The Council of Trade and Plantations having received from the Earl of Bellomont some complaints of the ill condition of the Stores sent for His Majesty's service to New York June last, have commanded me to send you the inclosed copies thereof for your information. [*Board of Trade.* New York, 55. *p.* 72.]

Dec. 24. Whitehall. **1052**. William Popple to Josiah Burchet. Refers to letter of Dec. 19. The Council of Trade and Plantations being very sensible of the Earl of Bellomont's zeal and good intention for His Majesty's service in the matter of ship-timber there referred to, and being desirous that he may not be a sufferer upon that account, have now commanded me to send you the inclosed extract of his letter, (Oct. 17,) to them about it *etc.*, in order that you may lay the same before the Lords of the Admiralty, in order to his reimbursement. [*Board of Trade.* New York, 55. *pp.* 72, 73.]

Dec. 24. Whitehall. **1053**. William Popple to Josia Burchett. The Lords Commissioners for Trade and Plantations command me to send you the enclosed papers, which contain what has past or remains before them relating to Bolton. [*Board of Trade.* New England, 38. *pp.* 340–342.]

Dec. 25. Whitehall. **1054**. Mr. Secretary Vernon to the Council of Trade and Plantations. I have layd before the King your Lordships' letter *etc.* of 19th inst., and at the same time I read to His Majesty your report to the Lords Justices, Oct. 4. His Majesty has at present taken into consideration that part of your report, which relates to the Fortifications; and, as to the Sod Fort in the Onondage Country, supposes that is sufficiently provided for by the £500 he has given towards it and by my Lord Bellomont's care to get the rest supplied by the Assembly of New Yorke. As to the Forts at Albany and Schenectady, his Lordship proposing that in order to begin to build the same, a credit might be allowed him for drawing small sums at a time, His Majesty has thought fit that you should acquaint him that the Treasury has directions to answer the Bills he shall draw upon them from time to time as those

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occasions require it, to the sum of 2,000*l.*, and His Majesty has likewise directed his Master General of the Ordnance to furnish the Earl of Bellomont with spades, shovels and other utensils necessary for that work. If your Lordships therefore have any accounts from my Lord Bellomont of what sorts and what quantitys of the said utensils are requisite, it will be necessary you acquaint the Earl of Romney therewith, who has likewise directions from His Majesty to send 1,000 felling axes for cutting of timber according to my Lord Bellomont's desire. His Majesty taking notice of what is mentioned in your report of my Lord Bellomont's advice that letters should be writ to the Governors and Assemblys of the other Plantations to excite them to contribute in their several proportions to the charge of securing the frontiers of New Yorke, His Majesty would have you prepare circular letters for his Royal signature according to the scheme proposed by your Lordships for the quota of each Plantation. *Signed*, Ja. Vernon. *Endorsed*, Recd. 27, Read Dec. 30, 1700. 3 *pp.* [*Board of Trade.* New York, 11. *No* 6; *and* 55. *pp.* 74–76.]

Dec. 26. **1055.** Minutes of Council of Virginia. The hon. Robert Carter was sworn to his accounts. Loyal address to His Majesty ordered to be drawn.

Dec. 27. Mr. Carter's account ordered to be signed.

Mr. Benjamin Harrison's petition referred.

Salaries of various officers paid.

Ordered that Lt. Col. Geo. Mason render an account upon oath of the service done by the Rangers. The danger for which they were first raised now ceasing, ordered that they be disbanded, at or about Jan 10. In the case of any future levy of such a force, Lt. Col. Mason ordered to take all possible care that they be raised out of the Lower parts of Stafford County, and to provide by all means possible that there be no occasion for standing Rangers, for the better effecting whereof, he is to take care that the Act of Cohabitation in the frontier Counties be duly put in execution, and lastly he is to advise the inhabitants of Stafford County not to be alarmed with every small matter that shall happen. This order sent down to the Burgesses.

The matter relating to the Western Indians referred.

Dr. Cox's claim to land in Norfolk County referred.

Miles Cary's petition, to be discharged from the office of Register of the Court of Admiralty, he having since been made Naval Officer of Yorke River District, and thinking the two offices inconsistent, granted.

William Leigh appointed Judge of the Court of Admiralty, and Robert Beverley, Register. They were sworn accordingly.

Depositions, about goods taken up in Lynhaven Bay and on the Eastern Shore, referred.

Robert Beverley and Nicholas Curle appointed J.P.s for Elizabeth City County.

Resolved that, owing to the winter season and the great throng that is now by reason of the ships being arrived in ye country

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the Assembly be prorogued till April 24. Advised that His Excellency represent to His Majesty the state of the French Refugees and the poverty and disability of the country, and address His Majesty that noe more may be sent in.

Ordered, upon reading a letter from the Admiralty, June 21, that the Passes be distributed to the Collectors, together with a copy of the aforesaid letter. [*Board of Trade.* Virginia, 55. *pp.* 60–66.]

Dec. 26. **1056.** Journal of House of Burgesses of Virginia. Ordered that the Committee appointed to receive Mr. Treasurer's Accounts do lay before His Excellency and Council the Representation made by them concerning the non-payment of some Fort Dutys.

The House took His Excellency's speech (Dec. 24,) into consideration and resolved that His Majesty be presented with 420*l.* towards payment of the charge accruing by the pirates, and that it be paid out of the imposition upon liquors, as it shall from thence arise.

Resolved that an Address be made to His Majesty, setting forth the present circumstances of the Country and to pray that His Majesty will graciously bestow the balance of his quit-rent Fund to the better defraying the contingent charges of this Government upon extraordinary exigencies.

One of the Instructions from the Lords Justices, Sept. 13, 1698, was read and referred to the consideration of the next Session of Assembly, to the end that the Inspection of Accounts thereby permitted may be made, as shall be found necessary. Bill concerning French Refugees sent down assented to by the Council.

Reports of the Committee for Public Claims and Allowances made to the Revisors of the Laws sent down, assented to by the Council, with some additions proposed, were read, and the additions agreed to, and sent up.

Mr. Treasurer General's Account of the Impositions, dated 16th inst., read and passed, and assented to by the Council.

Committee for proportioning the public levies appointed.

Reports of the Committee for Publick Claims, and Allowances to the Revisors of the Laws, assented to by the Council.

His Excellency's appointment of Edward Jenings to attend the Committee for the Revisall of the Laws in the room of Edward Hill, decd. read. This Committee having been often obstructed by lack of a quorum, His Excellency proposed that an ordnance of Assembly should direct them to act with a lesser number. Ordered thereupon that a Bill be prepared to enable one of the Council and any two of the Burgesses of the Committee to proceed as a Committee.

Ordered that Mr. Treasurer's Accounts be returned to him and a duplicate thereof filed.

Dec. 27. Resolve of the House presenting His Majesty with 420*l.* to defray the charge of the pirates returned assented to by the Council. Address to His Majesty about the Quit-Rent Fund agreed to, and sent up to the Council with a request for them to join in it.

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Bill for the more speedy and effectual carrying on the Revisall of the Laws read three times, passed, and sent up.

Bill for raising a Public levy read three times, passed, sent up, and returned assented to by the Council.

Petition of Edmund Jenings and others, claiming the land between the two Herring Creeks on Mattapany in Pamunkey Neck, read. Ordered that those whom the petitioners conceive to be illegally seated there do attend the 10th day of next Session.

Address of the House to His Majesty about the Quit-Rent Fund assented to by the Council, with amendments, which were agreed to by the House, and the address was sent up to the Council :—Your Majesty's most antient Colony and Dominion of Virginia is at this time under very low and needy circumstances, being ingaged in many public debts and charges. It hath already been at a very great expence in providing for the building a Capitol, for the Revisal of the Lawes, for several soldiers on the frontiers etc., which objects will require a considerable sum more. The charge of building a House for your Majesty's Governor still lyes upon us, and notwithstanding the circumstances aforesaid, to manifest our dutyfull and loyall inclinations to do as much as we are able for your Majesties service, we have this Assembly out of the Imposition, as it shall arise, upon liquors, presented to your Majesty 420*l. sterl.* towards a charge accruing upon taking a ship of Pyrates last April, the same being an extra-ordinary and eminent service. So that all the Funds appropriated for the support of this Government, and the contingent charges, and more particularly the Fund for building the Capitol, Revisal of the Laws and lessening the levy by the poll are quite exhausted, and this your Majesty's antient and great Colony will be brought under the necessity to run in debt for the carrying on of those works, without a prospect of getting sufficient for payment in any reasonable time. Wherefore we humbly beseech your Majesty will be gratiously pleased in your princely goodness to bestow such a sum out of your Majesty's Quit-Rents here as shall be convenient for the carrying on the building of the Capitol, the payment of the future charges which will accrue upon the Revisall of the Laws, the building of a House for the Governor and what other contingent charges may hereafter arise in this your Majesty's Colony and Dominion upon any extraordinary exigence. We are unfeignedly resolved to serve your Majesty with all loyalty and obedience etc. The Address was returned from the Council.

Bill for the more effectual carrying on the Revisal of the Laws was sent down with an amendment, which was agreed to. The Bill was sent up amended, and returned by the Council.

The representation of the Committee appointed for receiving Mr. Treasurer's accounts of the Imposition concerning the non-payment of some Fort Dutys in the lower district of James River, together with the Collector's answer thereto and His Excellency's and Council's opinion thereupon were read.

The House agreed to join in the Address to His Majesty, sent down by the Council, acknowledging the present peace and happiness owed to him, "fresh instances whereof you have given

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to the world in your so successful interposing to compose the differenees between the Northern Crowns, and to prevent those that were ready to ensue in ease of the death of the King of Spain, whieh, had it not been for such persistent and watchful eare, might have endangered us and your Majesties other Plantations in Ameriea."

Resolved that the Council be desired to join with the House and pray His Exeelleney to favour the House with his assistance that the Address about the Quit-Rent Fund be presented to His Majesty.

The several Bills engrossed were sent up to the Council and returned, together with the Address of His Excellency and Council and Burgesses to His Majesty, whieh, aeeording to His Excellency's desire the Members of eaeh County signed and put the name of their respective Counties thereto. His Exeelleney summoned the House to attend him in Council, and to bring with them the enrolled Bills, which they did. *And see preceding abstract.* [*Board of Trade.* Virginia, 54. *pp.* 108–125.]

Dec. 26. **1057.** Minutes of Council in Assembly of Virginia. A message from ye Burgesses was laid before His Excellency and Council, that the Fort duties of three several vessels entered in the Lower Distriet of James River were never paid or aecounted for to the Auditor, although the Naval Officer of ye said District had aeeounted for all those times ye said vessels are reported to be entered to Mr. Auditor, and proposing to His Excelleney and Council that the said errours may be rectified. Ordered that a copy of the said message be delivered to Lt. Col. William Willson, Naval Officer of the said District, and y^{t}. he answer make to ye same in writeing to-morrow morning.

The Burgesses voted £420 to His Majesty and sent their resolve to the Counеil, for their coneurrenee.

And see preceding abstracts.

Dec. 27. Lt. Col. Wilson gave in his answer as ordered yesterday. In two of the eases, the Council agreed that no Fort duties ought to have been paid ; in the third ease, the not aeeounting for the *Beavour* of Pensilvania, Andrew Lock, Master, was an error and he must account for it, and make oath that he never reeeived any Fort duties for the other two.

Bill, sent up, for the more effeetual earrying on the Revisal of the Laws, read three times with amendments and sent down.

Bill for raising a publick levy read three times without amendment, and sent down.

These two Bills, engrossed, and Bills prohibiting the Exportation of Indian Corn and eoncerning the French Refugees were sent up and returned.

The Burgesses returned the Order of Council of this instant direeting Lt. Col. Mason to disband the Rangers in Stafford County, being very well satisfied therewith.

The Assembly, attending His Excellency with the Four Bills past this Session, addressed His Excelleney. *And see preceding abstract.* [*Board of Trade.* Virginia, 55. *pp.* 331–341.]

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Dec. 27. Whitehall.

1058. William Popple to the Principal Officers of the Ordnance Office. The Lords Commissioners for Trade and Plantations send you the inclosed list of some things desired by the Earl of Bellomont for His Majesty's service at New Yorke, concerning which they have understood from Mr. Secretary Vernon that he has already signified to the Rt. Hon. the Earl of Rumney His Majesty's pleasure. *The List includes* 1,000 felling axes, 10 dozen spades, shovels etc. [*Board of Trade.* New York, 55. *pp.* 73, 74.]

Dec. 27. Carolina.

1059. James Moore to Mr. Thomas Cutler. *Page* 2. I hear Mr. Loughton and Mr. Tranter pretend to discover silver mines, and expect to get money in hand for it. I am sure they know of no more mines now than Loughton and Maybank did when you came hither. It's probable they have heard talk of a mineral upon the Savanno River, which glisters like silver oar, but they neither know the place where it is nor the value of it. I have had several parcels of it fluxed, and have found in some of it upwards of a pennyweight of fine silver. I have now sent to have greater quantities essayed. If it answers expectation, I will have a house built there, and put persons there to look after it. If you could get for me a tailor and a carpenter, though on condition to pay them reasonable wages annually, you will oblige *etc.* Ja. Moore. *Endorsed,* Recd. from Mr. Cutler and Read May 15, 1701. 2 *pp. Addressed and Sealed.* [*Board of Trade.* Proprieties, 5. *No.* 84; *and* 27. *pp.* 97, 98.]

Dec. 28.

1060. Minutes of Council of New York. His Excellency produced a letter from Richd. Shute, J.P., for the County of West Chester, informing him that, tho' the Grand Jury had presented Peter Villepontoon for the murder of David Burgett, yet William Barns, J.P., Chairman of the Court of Sessions, had favoured his escape. Ordered that the High Sheriff attend on Jan. 2, bringing with him William Barns, Robert Bloomer of New Rochell, and Benjamin Collier, Clerk, who is to bring with him all the evidences relating to that matter.

Memorial of the Mayor, Recorder, and Aldermen of New York read. Ordered that the persons complained against be served with a copy and summoned to appear before the Board. His Excellency produced a Bill of Exchange drawn by Thomas Weaver on himself and Council for £425 sterl., great part whereof accrues due to him by virtue of a Commission from His Majesty, appointing him Collector and Receiver General of this Province, with salary of £200 per annum, commencing March 25, 1699. The Council are of opinion that it is a great hardship that this Province should be obliged to pay a Commissioner of Customs that now officiates in the absence of Mr. Weaver, who has the King's Letters Patents for the said office, and yet remains in England, and humbly request His Excellency to represent to His Majesty the great hardship such payment will be to the Province, at a time when the Revenue is so very much anticipated, and so many necessary services unperformed for want of money.

1700.

Petition of Jacob Mauritz and Johannes Provoost, previously referred to Col. Stephen Cortlandt and Samuel Staats, the former of whom is since dead, referred to the members of the Board now present. [*Board of Trade.* New York, 72. *pp.* 395–397.]

Dec. 30. Hampton Court. **1061**. His Majesty the King to Governor Nicholson. Whereas we have thought fit that all due encouragement be given to the College of William and Mary, lately founded in our Town of Williamsburgh for promoting Religion and Learning in those parts, we do earnestly recommend the same to you, willing and requiring you to do whatever lyes in you for the due encouraging the said College, and in particular that you call upon the persons that have promised to contribute towards the maintenance of the said College to pay in forthwith their several contributions, to the end so good and pious a work may be carryed on for the general benefit of that country. *Countersigned*, Ja. Vernon. *Endorsed*, Recd. Read Jan. 29, $170\frac{0}{1}$. *Copy.* 1 *p.* [*Board of Trade.* Virginia, 9. *No.* 5; *and* 38. *pp.* 69, 70.]

Dec. 30. Hampton Court. **1062**. His Majesty the King to Governor Nicholson, directing the admission of Dr. James Blair to be one of the Council of Virginia. *Countersigned*, Ja. Vernon. *Endorsed*, Recd. Read Jan. 29, $170\frac{0}{1}$. *Copy.* 1 *p.* [*Board of Trade.* Virginia, 9. *No.* 6; *and* 38. *p.* 69.]

Dec. 30. Whitehall. **1063**. Journal of Council of Trade and Plantations. Rear-Admiral Bembow, attending, informed their Lordships in some matters which were enquired of him relating to the security of Jamaica. Ordered that a letter be writ to him, in order to his more particular answers in writing.

Capt. Bennet, attending, said that he hears the forts of Bermudas are in pretty good condition, but that the guns are generally defective. He promised to put in writing what he thought fit to propose for the security of the Island.

Letter from Mr. Secretary Vernon, Dec. 25, read. Directions thereupon given for draughts of letters from His Majesty to the Governors of the Plantations on the Continent, relating to their security.

Order of Council, Dec. 5, upon the petition of John Lodder and others, an Order of Council, Dec. 12, upon the petition of Isaac Hawkins and others, and an Order of Council of Dec. 19, upon the petition of Thomas Hodges, all relating to the administration of justice in Barbadoes, were read. Petitioners ordered to attend on Friday.

It having been signified to their Lordships that a Collection of the Laws of Barbadoes has been lately printed, ordered that the Secretary desire the agents to furnish them therewith.

Dec. 31. Draught of a letter, to be writ by His Majesty to Lord Bellomont relating to the Forts necessary to be built and maintained by the Government of the Massachusets Bay, was agreed upon.

1700.

Progress made with a Report to be made upon the State of the Forts and Fortifications in all His Majesty's Plantations on the Continent of America. [*Board of Trade.* Journal, 13. *pp.* 299–302; *and* 97. *Nos.* 226, 227.]

Dec. 31. Whitehall. **1064.** William Popple to John Benbow, Reere-Admiral of the Blew. The Council of Trade and Plantations being sensible of the importance of the observations that you have made in your voyage to the West Indies with relation to His Majesty's service and the interest and security of his Dominions in those parts, desire you to lay before them in writing whatsoever observations of that kinde you judge may be most useful to those ends. And more particularly in relation to the Island of Jamaica, they desire you would give them your thoughts upon the several channels, bays or other places, by which it may be attacked, especially the Leeward Channel, that lies to the South Westward of Port Royal and leads into Kingstone Harbour; as likewise your opinion concerning the fortifications that are at present upon that island, and what more and of what kinds you judge needful for the security thereof, and where any such further fortifications may be properly built, whether at Musketo Point, Vere, Old Harbour or elsewhere, together with anything else that you judge proper for their Lordships' information in order to His Majesty's service there. [*Board of Trade.* Jamaica, 57. *pp.* 111, 112.]

Dec. 31. Philadelphia. **1065.** William Penn to the Council of Trade and Plantations. Since my last by Capt. Jeffreys from N. York, a duplicate of which I intended by this opertunity, but now cannot, it is come to my knowledge that Bradenham, Kid's Doctor, who, with two more, we hear is dead, left of his treasure 624 pieces of Arabian and Christian gold, which makes about 414*l.*, this money, in the hands of the Minister of the Church of England, as ye safest Vestry or Sanctuary he could finde in these parts for his treasure. What silver and gould ye Government seiz'd, was by me sent home with him, and that without deductions, save 40 Lyon dollars for his journey to Boston. But it has so happened that this Parson, Edward Portlock, is removed into Maryland or Virginia, and doubtless the gould with him, except such proportions as he payd here, which gave indeed ye first grounds of jealousy, but the character of the person considered with the sentiments of those that had most dealing with him, and my being at Newcastle, 40 miles from hence, holding a General Assembly, those jealousys were not improved so effectually and carly as they might have been. However, those honourable gentlemen, Governor Blakiston and Govr. Nicolson, will doubtless take him to task, so soon as my letters come to hand. In ye meantime I have found 100 pieces more of Bradenham's in this town, in ye hands of a brother Doctor, upon ye intimation of one Charles Sober. Hall is a sober man, and pretends that it was left him with some books of ye profession as pay for both phisick and attendance during Bradenham's sickness last Fall in this town; but tho' it may be

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true, for those sparks are generous, getting it easily themselves, yet taking it in a clandestine manner and giving a receipt for it to Sober, to be accountable for it when called for, overthrew his pretensions of a gift, no man being accountable for rewards. This I have secured for the King. I have writ to Secretary Vernon of it. Both these gentlemen are of the same Church with the parson Portlock, and one of them of the Vestry. In short they have got this notion among them, that anybody may receive and conceal the Treasure of men under suspicion of pyracy, till they are convicted of it, of which the Lawyers, at least some of them, are very confident; which weakens the Magistrates' hands, and encourages other men to hold theirs close, in favour of those people's evil gotten goods: of which your advice would be very grateful. It is for the King's service and therefore the business of ye King's Council to inform the Governors. *Refers to enclosures.* I must add that, while the Parson used us in ye pulpit as he pleased, and invighed against the Quakers for not fighting against pyrates, those common enimys of mankinde, he was actually possest of the 624 pieces of piratical gould, as I may phraise it, and it was endeavoured by some of ye law, and other advisers of his of ye same kidney, not to confess anything, nor to lett this Government have y^{t} advantage to recommend itselfe, and that they should warrant him he should come off bravely. I saw this plain enough, by his greater coldness and firmness, even to be sawcy, as also by ye temper of ye people y^{t} came to him, of which I was carefull to inform myselfe. I was attack'd in Counsel as well as alone; heard the arguments of his Counsel here and from York, was counted arbitrary and overrighteous, even by those y^{t} had faulted the former conduct of this Government, and which is more, and most true, they take advantage of ye dissatisfaction of those, to my prejudice, whom I have only offended by my zeale against forbidden trade and looseness. I beg your answer to my letters, with the King's directions for my conduct, which with the best of my skill I shall endeavour to follow, for the service of ye Crown, which is certainly the good of Ould England, and therein, I hope, of Pennsylvania. *Signed*, Wm. Penn. *P.S.*—This goes inclosed to the Earle of Bellomont for a conveyance. *Endorsed*, Recd. Feb. 24, 170$\frac{0}{1}$. Read April 1. *Holograph.* 5 *pp.* *Enclosed.*

1065. i. Abstract of preceding, with marginal note for reply. 1½ *pp.*

1065. ii. Copy of the Heads discoursed at New York, with a note as to what was added, Dec. 13, by Mr. Penn. (*See* Dec. 8.) *Signed*, Wm. Penn. *Endorsed*, Recd. Feb. 24, 170$\frac{0}{1}$. 1¾ *pp.*

1065. iii. Copy of Deposition of Charles Sober, Physician of Philadelphia. Bradinham gave him two small parcels to deliver to William Hall, Innkeeper and Physician, which he did. He gave Bradinham a letter of credit on John Frizil, a merchant of Boston, and Bradinham sent to him from Boston a Bill on

1700.

Edward Portlock, then Minister of the English Church in Philadelphia. Robt. Bradinham also left with him a letter addressed to Mr. James Watson, London, which, hearing that Portlock had made several payments in foreign gold, he broke open, and in it found a bond subscribed by Edward Portlock payable to Robert Bradinham, his heirs *etc. Signed*, Charles Sober. Attested before me at Philadelphia, Dec. 28. 1700. Wm. Penn. $1\frac{3}{4}$ *pp.*

1065. iv. Copy of Bond of Edward Portlock for the money left with him by Bradinham. March 9, 1699 (1700). $\frac{3}{4}$ *p.* iii. and iv. *endorsed*, Recd. Feb. 24, $170\frac{0}{1}$.

1065. v. Copy of letter from E. Randolph to Wm. Clark, Collector of Customs in Pennsylvania about negotiating pardons for pirates. Pocamoke, Nov. 5, 1692. *Same endorsement.* 1 *p.* [*Board of Trade.* Proprieties, 5. *Nos.* 85, 85.i–v.; *and* (*without enclosures*) 27. *pp.* 33–38.]

1066. Acts of Antigua, 1700. [*Board of Trade.* Acts. Antigua, 1. *pp.* 91–107.]

1067. Acts of Barbados. Passed in General Assembly, 1700. [*Board of Trade.* Acts. Barbados, 2. *pp.* 81–145.]

1068. Acts of Pennsylvania. Passed in General Assembly, 1700. [*Board of Trade.* Acts. Pennsylvania, 1. *pp.* 1–86; *and* 3. *pp.* 1–33.]

1069. Printed Acts of Barbados, 1700. [*America and West Indies.* Barbados, 455. *pp.* 195–199.]

1070. List of Acts passed in Bermuda, Bahamas, Barbados and Jamaica, 1700. [*Board of Trade.* Acts. Bermuda, 1. *passim.*]

1071. Acts of Jamaica, 1700. [*Board of Trade.* Acts. Jamaica, *No.* 1.]

1072. Printed Laws of the Leeward Islands. [*America and West Indies.* Leeward Islands, 553. *pp.* 110, 111; *and, Board of Trade.* Leeward Islands, 70. *pp.* 110–114.]

1073. Acts of Maryland, 1700. [*Board of Trade.* Acts. Maryland, *No.* 1, *pp.* 697–754.]

1074. Printed Laws of Massachusetts Bay. [*America and West Indies.* Massachusetts Bay, 562. *pp.* 169–192.]

1075. Printed Acts and Laws of Massachusetts Bay, passed May 31, 1699—March 13, 1700 and May 29, 1700. [*Board of Trade.* Massachusetts Bay, 47. *pp.* 159 *ff*; *and* 48. *pp.* 104 *ff.*]

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1076. Act passed at Mountserrat by Col. Fox ; April 9, 1700. [*Board of Trade.* Acts. Montserrat, *No.* 1. *pp.* 14,15.]

1077. Acts of Nevis, 1700. [*Board of Trade.* Acts. Nevis, *No.* 1. *pp.* 8–20.]

1078. Printed Laws of New Hampshire, 1700. [*Board of Trade.* New Hampshire, 21. *pp.* 1–7.]

1079. Printed Laws of New York. [*America and West Indies.* New York, 581. *pp.* 41–43 ; *and Board of Trade.* New York, 111. *pp.* 37–40.]

1080. Acts of New York, 1700. *Printed* 1719 by John Baskett, etc., London. [*Board of Trade.* New York, 114. *pp.* 41–43.]

1081. Acts of New York, 1700. Printed 1726 by William Bradford, New York. [*Board of Trade.* New York, 113. *pp.* 42–45.]

1082. Acts of New York, 1700. Printed 1752 by James Parker, Beaver Street, New York. [*Board of Trade.* New York, 115. *pp.* 37–40.]

[? 1700.] **1083**. Humble Address of the Governor, Council and Representatives of New Hampshire to the King. We bless God that you have rescued the liberties of England and all Europe from Popish tyranny and oppression. The present peace, which, under God, we owe to your Majesty's matchless bravery and conduct, is a welcome relaxation to us that are but a handful of people in this little Province, and have had to do all the late war with a barbarous and treacherous enemy, the Eastern Indians, whose bloody nature and perfidy have been much aggravated of late years by Popish emissaries from France, who have taught 'em that breaking faith with and murdering us is the sure way to gain Paradise, and so far have they deluded them with their enchantments and vile superstition, that they are taught to spare neither age nor sex, having killed and scalped all except a very few, both old and young that came within their power. We know not how long these bloody Indians will forbear hostilities, the French missionaries continuing among them and poisoning them with their hellish doctrines. We have great reason to bless God for your Majesty's uniting the Province of New York to that of Massachusetts Bay and this Province under the Government of the Earl of Bellomont, it being the happiest step your Majesty could have made for our protection, inasmuch as it is the likeliest way to subdue or exterminate these Eastern Indians, that infest us, to engage the Five Nations in New York, who have always been a terror to 'em, to make war upon 'em. We pray that after a long and prosperous reign your Majesty may receive an immortal crown of glory, as a reward of the unspeakable

1700. blessings you have brought to your subjects. *Signed*, Bellomont, Wm. Partridge, John Hinckes, Nath. Fryer, Peter Coffin, Robt. Elliot, John Gerrish, Richard Waldron, Saml. Penhallow, Speaker, John Pirkevin, Henry Dow, John Tuttle, John Woodman, John Smith, Moses Leavi, James Rendel, Joseph Swett, Nath. Hill, Theodore Attkinson. 1 *p. Parchment.* [*America and West Indies.* New Hampshire, 572. *No.* 6.]

[? 1700.] **1084.** Certificate in favour of Joseph Haines, an officer who had done good service in Ireland and Flanders, but, imigrating to Jamaica, had through misfortune or malice of his wife been thrown into prison. The certificate is addressed to Sir William Beeston, and was signed by the Earl of Marlborough, and fifteen other gentlemen of repute. *Copy.* 1 *p.* [*America and West Indies.* 540, *No.* 53.]

1700.

ADDENDA.

April 18. Kensington. **1085**. Order of King in Council, approving the duplicate of the Act of Jamaica for appropriating additional duty to the Revenue *etc.* [*See Cal. A. and W. I.*, 1699. *No.* 13.] *Signed*, John Povey. *Endorsed*, Recd. 16th. Read June 27, 1701. 1½ *pp.* [*Board of Trade.* Jamaica, 9. *No.* 38; *and* 57. *pp.* 166, 167.]

July 3. **1086**. (1) Copy of warrant empowering Lord Bellomont to constitute William Atwood Chief Justice of New York. Hampton Court. July 3, 1700. *Countersigned*, Ja. Vernon. ½ *p.*

1086. (2) Copy of warrant empowering Lord Bellomont to admit William Atwood to be sworn of the Council of New York. Hampton Court. July 3, 1700. *Countersigned*, Ja. Vernon. ¼ *p. The whole endorsed*, Recd. Read March 6, 170$\frac{0}{1}$. *Addressed*, To our right trusty and well beloved cousin Richard Earl of Bellomont *etc.* [*Board of Trade.* New York, 11. *Nos.* 19, 19.i.; *and* 55. *pp.* 211, 212.]

July 3. **1087**. Copy of warrant empowering Lord Bellomont to constitute Sampson Sholton Broughton Attorney General of New York, and to discharge James Graham from that office. *Countersigned*, Ja. Vernon. *Endorsed*, Recd. Read March 6, 170$\frac{0}{1}$. 1¾ *pp. Addressed as preceding.* [*Board of Trade*, New York, 11. *No.* 20; *and* 55. *p.* 213.]

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